

**ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY**

GLENN A. GRANT, J.A.D.
ACTING ADMINISTRATIVE
DIRECTOR OF THE COURTS



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[Questions or comments may be
directed to 609-292-4638.]

Directive # 14-08
(Supersedes Directives
#4-02, #12-03 and #13-05)

TO: ASSIGNMENT JUDGES
CRIMINAL PRESIDING JUDGES

FROM: GLENN A. GRANT, J.A.D.

SUBJ: CRIMINAL PLEA FORMS AND JUDGMENT OF CONVICTION

DATE: OCTOBER 8, 2008

This Directive (1) reissues all of the previously promulgated criminal plea forms, and (2) promulgates amendments to certain of those plea forms and to the Judgment of Conviction as recommended by the Supreme Court Criminal Practice Committee.

The Certification Application for Appointment of a Private Prosecutor (Attachment 3 of Directive #13-05) is being reissued under a separate directive (Directive #13-08). Thus, those three prior directives – Directives #4-02, #12-03, and #13-05 – are now superseded in their entirety. However, to the extent that those prior Directives contained explanatory information, judges may still find them instructive.

The amendments are promulgated pursuant to the authority of Rule 3:9-2, which provides that plea forms are to be in a form “prescribed by the Administrative Director of the Courts.” In addition, the Supreme Court, at its March 1, 1999 Administrative Conference similarly delegated to the Administrative Director the authority and responsibility to approve the form of the Judgment of Conviction.

Each form also will be posted separately on the forms page of the Judiciary Internet website at <http://www.judiciary.state.nj.us/forms.htm>.

You should begin using these forms as soon as possible. English and English-Spanish versions of all forms promulgated by this Directive are attached.

Any questions or comments regarding this Directive, or the appended forms, should be directed to Assistant Director Joseph J. Barraco, Esq. at (609) 292-4638.

PLEA FORMS

1. Four-Page Plea Form **Attachment 1**
(Supersedes Attachment 1 of Directive #13-05 and
Supplement to Directive #13-05)

The four-page *Plea Form* has been amended as follows:

- 1) to add questions #4d and 4e addressing the defendant's understanding that he/she is waiving review of the denial of any pretrial motions, except those specifically reserved for appellate review, and adding language designed to set forth those matters that are preserved for appeal, pursuant to the court rules, notwithstanding a guilty plea.
- 2) to add question #7b to address sentencing exposure if a defendant is pleading guilty to a charge that requires a mandatory extended term.
- 3) to amend question #17 addressing immigration to add paragraphs a and b to inquire into whether the defendant is a United States citizen. If the defendant answers "No", to advise the defendant of the consequence that by virtue of the guilty plea, the defendant could be deported.
- 4) to add new questions #18a and 18b to advise the defendant of the possible restrictions pursuant to the Interstate Compact for Adult Offender Supervision.

The remaining questions on the form have been renumbered.

2. Supplemental Plea Form for Non-Negotiated Pleas **Attachment 2**
(Supersedes Attachment 2 of Directive #4-02)

There are no changes to this plea form.

3. Supplemental Plea Form for Sexual Offenses **Attachment 3**
(Supersedes Attachment 3 of Directive #4-02)

There are no changes to this plea form.

4. Additional Questions for Certain Sexual Offenses Committed on or after December 1, 1998 **Attachment 4**
(Supersedes Attachment 2 of Directive #12-03)

There are no changes to this plea form.

5. Additional Questions for Certain Sexual Offenses (*Megan's Law* Plea Form) **Attachment 5**
(Supersedes Attachment 2 of Directive #13-05)

The Additional Questions for Certain Sexual Offenses (*Megan's Law* Plea Form) has been amended as follows:

1) Effective March 1, 2007, L. 2007, c. 19, amended *Megan's Law*, N.J.S.A. 2C:7-2, to upgrade the penalty for failure to register as a sex offender from a fourth degree crime to a third degree crime. The law also imposes a penalty for failure to verify an address. It is a fourth degree crime for a person to knowingly provide false information concerning his place of residence or to fail to verify his address as required by *Megan's Law*.

Questions #1(c) and 2(b) on the Additional Questions for Certain Sexual Offenses Plea Form have been amended accordingly.

2) Effective February 27, 2008, L. 2007, c. 219 limits internet access for certain sex offenders who are subject to *Megan's Law* registration, community or parole supervision for life or who are under probation or parole supervision. It further provides that any person who fails to comply with internet access conditions is guilty of a fourth degree crime.

Questions #1(d) and 1(e) have been added to the form to address this law.

3) Question #7 of the form has also been amended to reflect that an individual could be subject to civil commitment for up to a life term.

6. Supplemental Plea Form for Drug Offenses **Attachment 6**
(Supersedes Attachment 8 of Directive # 4-02)

Effective January 12, 2006, L. 2005, c. 343, amended the Driver's License Suspension statute, N.J.S.A. 2C:35-16. The amendments authorize the court to refrain from imposing a driver's license suspension on a defendant convicted of a drug offense upon a finding of compelling

circumstances by the court. Pursuant to the statute “compelling circumstances” exist if the forfeiture of a person’s driver’s license “will result in extreme hardship and alternative means of transportation are not available.”

Question #2a of the Supplemental Plea Form for Drug Offenses has been amended accordingly.

In addition, the questions on the plea form have been renumbered as questions #1 and #2.

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| 7. | Supplemental Plea Form for Theft of a Motor Vehicle and Unlawful Taking of a Motor Vehicle
(Supersedes Attachment 7 of Directive #4-02) | Attachment 7 |
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There are no changes to this plea form.

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| 8. | Additional Questions for Certain Drug and Weapons Offenses Committed on or after June 24, 1998
(Supersedes Attachment 9 of Directive #4-02) | Attachment 8 |
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There are no changes to this plea form.

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| 9. | Supplemental Plea Form for No Early Release Act Cases (for crimes occurring between June 9, 1997 and June 29, 2001).
(Supersedes Attachment 10 of Directive #4-02) | Attachment 9 |
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There are no changes to this plea form.

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| 10. | Supplemental Plea Form for No Early Release Act Cases (for crimes occurring on or after June 29, 2001)
(Supersedes Attachment 11 of Directive #4-02) | Attachment 10 |
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There are no changes to this plea form.

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| 11. | Supplemental Plea Form for Graves Act Cases
(Supersedes Attachment 12 of Directive #4-02) | Attachment 11 |
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There are no changes to this plea form.

JUDGMENT OF CONVICTION

12. Judgment of Conviction (JOC)

Attachment 12

(Supersedes Attachments 4 and 5 of Directive #12-03)

The Judgment of Conviction has been amended:

1) To clarify that lifetime community supervision for sex offenders is parole supervision for life for offenses occurring on or after January 14, 2004. Language has been added indicating that the court is sentencing the defendant to parole supervision for life (PSL). In addition, language limiting community supervision for life (CSL) for offenses occurring before January 14, 2004 has been added to the JOC.

2) To include a penalty pursuant to N.J.S.A. 2C:14-10, which established the Sex Crime Victim Treatment Fund and requires that a new penalty be assessed against any person convicted of a sex offense as defined in N.J.S.A. 2C:7-2.

3) To include a penalty pursuant to N.J.S.A. 2C:43-3.6, which requires that an \$800 Statewide Sexual Assault Nurse Examiner Penalty be assessed for offenses that occurred on or after May 4, 2001 and are defined as a "sex offense" in violation of N.J.S.A. 2C:7-2.

In addition, the three-page JOC used in cases involving theft of a motor vehicle or unlawful taking of a motor vehicle and the two-page JOC used in all other cases have been consolidated into one four-page reformatted form. The new four-page Judgment of Conviction should be used for all offenses.

Attachments

cc:

Chief Justice Stuart Rabner
Attorney General Anne Milgram
Public Defender Yvonne Smith Segars
County Prosecutors
Deborah Gramiccioni, DCJ Director
AOC Directors and Assistant Directors
Regional Deputy Public Defenders

Trial Court Administrators
Criminal Division Managers
Steven D. Bonville, Esq., Special
Assistant
Vance D. Hagins, Esq.
John Wieck
Melaney S. Payne, Esq.

ATTACHMENT 1

FOUR-PAGE PLEA FORM

ENGLISH AND ENGLISH-SPANISH VERSIONS



New Jersey Judiciary
Plea Form

County _____

Prosecutor File Number _____

Defendant's Name:

before Judge:

List the charges to which you are pleading guilty:

Ind./Acc./Comp.#	Count	Nature of Offense	Degree	Statutory Maximum		
				Time	Fine	VCCA Assmt*
_____	_____	_____	_____	Max	_____	_____
_____	_____	_____	_____	Max	_____	_____
_____	_____	_____	_____	Max	_____	_____
_____	_____	_____	_____	Max	_____	_____
_____	_____	_____	_____	Max	_____	_____
Your total exposure as the result of this plea is:				Total	_____	_____

Please Circle
Appropriate Answer

2. a. Did you commit the offense(s) to which you are pleading guilty? [Yes] [No]
- b. Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)? [Yes] [No]
3. Do you understand what the charges mean? [Yes] [No]
4. Do you understand that by pleading guilty you are giving up certain rights? Among them are:
- a. The right to a jury trial in which the State must prove you guilty beyond a reasonable doubt? [Yes] [No]
- b. The right to remain silent? [Yes] [No]
- c. The right to confront the witnesses against you? [Yes] [No]
- d. Do you understand that by pleading **you are not waiving** your right to appeal (1) the denial of a motion to suppress physical evidence (R. 3:5-7(d)) or (2) the denial of acceptance into a pretrial intervention program (PTI) (R. 3:28(g))? [Yes] [No]
- e. Do you further understand that by pleading guilty **you are waiving** your right to appeal the denial of all other pretrial motions except the following: [Yes] [No]
- _____
- _____
- _____
5. Do you understand that if you plead guilty:
- a. You will have a criminal record? [Yes] [No]
- b. Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Victims of Crime Compensation Agency Assessment? [Yes] [No]
- c. You must pay a minimum Victims of Crime Compensation Agency assessment of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive. \$25 if offense occurred before January 1, 1986.) [Yes] [No]

* Victims of Crime Compensation Agency Assessment

Defendant's Initials _____

5. d. If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1.00 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2.00 for each occasion when a payment or installment payment is made? [Yes] [No]
- e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction? [Yes] [No]
- f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation? [Yes] [No]
- g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30? [Yes] [No]
- h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? [Yes] [No]
6. Do you understand that **the court could**, in its discretion, impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentence imposed? [Yes] [No]
7. Did you enter a plea of guilty to any charges **that require** a mandatory period of parole ineligibility or a mandatory extended term? [Yes] [No]
- a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is _____ years and _____ months (fill in the number of years/months) and the maximum period of parole ineligibility can be _____ years and _____ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits.
- b. If you are pleading guilty to such a charge, the minimum mandatory extended term is _____ years and _____ months (fill in the number of years/months) and the maximum mandatory extended term can be _____ years and _____ months (fill in the number of years/months).
8. Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison? [Yes] [No]
9. Are you presently on probation or parole? [Yes] [No]
- a. Do you realize that a guilty plea may result in a violation of your probation or parole? [Yes] [No] [NA]
10. Are you presently serving a custodial sentence on another charge? [Yes] [No]
- a. Do you understand that a guilty plea may affect your parole eligibility? [Yes] [No] [NA]
11. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively? [Yes] [No] [NA]

Defendant's Initials _____

12. List any charges the prosecutor has agreed to recommend for dismissal:

Ind./Acc./Compl.#	Count	Nature of Offense and Degree
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

13. Specify any sentence the prosecutor has agreed to recommend:

14. Has the prosecutor promised that he or she will **NOT:**

a. Speak at sentencing?	[Yes]	[No]
b. Seek an extended term of confinement?	[Yes]	[No]
c. Seek a stipulation of parole ineligibility?	[Yes]	[No]

15. Are you aware that you must pay restitution if the court finds there is a victim who has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution? [Yes] [No] [NA]

16. Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job by virtue of your plea of guilty? [Yes] [No] [NA]

17. a. Are you a citizen of the United States? [Yes] [No]
(If no, answer question #17b)

b. Do you understand that if you are not a United States citizen or national, you may be deported by virtue of your plea of guilty? [Yes] [No]

18. a. Do you understand that pursuant to the rules of the Interstate Compact for Adult Offender Supervision if you are residing outside the State of New Jersey at the time of sentencing that return to your residence may be delayed pending acceptance of the transfer of your supervision by your state of residence? [Yes] [No]

b. Do you also understand that pursuant to the same Interstate Compact transfer of your supervision to another state may be denied or restricted by that state at any time after sentencing if that state determines you are required to register as a sex offender in that state or if New Jersey has required you to register as a sex offender? [Yes] [No]

19. Have you discussed with your attorney the legal doctrine of merger? [Yes] [No] [NA]

20. Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence? [Yes] [No] [NA]

Defendant's Initials _____

21. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty:

22. Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty? [Yes] [No]

23. a. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence? [Yes] [No]

b. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea? [Yes] [No]

c. Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial? [Yes] [No]

24. Are you satisfied with the advice you have received from your lawyer? [Yes] [No]

25. Do you have any questions concerning this plea? [Yes] [No]

Date: _____ Defendant: _____

Defense Attorney: _____

Prosecutor: _____

[] This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.

Defendant's Initials _____



Poder Judicial de Nueva Jersey
New Jersey Judiciary

Formulario de Declaración
Plea Form

Condado _____
County _____

Número de archivo del fiscal _____
Prosecutor File Number _____

Nombre del acusado _____

Defendant's Name:

ante el Juez _____

before Judge:

1. Enumere los cargos de que usted se declara culpable:

List the charges to which you are pleading guilty:

No. de Ac. Formal / Ac./Denun. Ind./Acc./Comp.#	Cargo Count	Naturaleza de la infracción Nature of Offense	Grado Degree	Máximo estatutario Statutory Maximum	Tiempo Time	Multa Fine	Multa de la VCCA* VCCA Assmt*
_____	_____	_____	_____	Máx/Max	_____	_____	_____
_____	_____	_____	_____	Máx/Max	_____	_____	_____
_____	_____	_____	_____	Máx/Max	_____	_____	_____
_____	_____	_____	_____	Máx/Max	_____	_____	_____
_____	_____	_____	_____	Máx/Max	_____	_____	_____
Su exposición total como resultado de esta declaración es:				Total/Total	_____	_____	_____

Your total exposure as the result of this plea is:

Sírvase marcar la respuesta
apropiada con un círculo

Please Circle
Appropriate Answer

2. a. ¿Cometió usted la infracción (las infracciones) de que se declara culpable? [Sí/Yes] [No/No]
Did you commit the offense(s) to which you are pleading guilty?

b. ¿Entiende que antes de que el juez lo pueda encontrar culpable, tendrá que decirle al juez qué es lo que usted hizo que lo hace culpable de la infracción particular (de las infracciones particulares)? [Sí/Yes] [No/No]
Do you understand that before the judge can find you guilty, you will have to tell the judge what you did that makes you guilty of the particular offense(s)?

3. ¿Entiende lo que significan los cargos? [Sí/Yes] [No/No]
Do you understand what the charges mean?

4. ¿Entiende que al declararse culpable, usted renuncia a ciertos derechos? Entre ellos están:

Do you understand that by pleading guilty you are giving up certain rights? Among them are:

a. El derecho a un juicio con jurado en que el Estado tiene que probar su culpabilidad fuera de duda razonable? [Sí/Yes] [No/No]
The right to a jury trial in which the State must prove you guilty beyond a reasonable doubt?

b. El derecho de guardar silencio? [Sí/Yes] [No/No]
The right to remain silent?

c. El derecho a carearse con los testigos en su contra? [Sí/Yes] [No/No]
The right to confront the witnesses against you?

* Multa de la Agencia de Compensación a Víctimas de Delitos / Victims of Crime Compensation Agency Assessment

Iniciales del acusado / Defendant's Initials _____

4. d. ¿Entiende que al declararse culpable **usted no renuncia** a su derecho de apelar (1) la denegación de un pedimento para excluir pruebas físicas (R. 3:5-7(d)) o (2) la denegación de admisión a un programa de intervención antes del juicio (PTI) (R. 3:28(g))?

[Sí/Yes]

[No/No]

Do you understand that by pleading **you are not waiving** your right to appeal (1) the denial of a motion to suppress physical evidence (R. 3:5-7(d)) or (2) the denial of acceptance into a pretrial intervention program (PTI) (R. 3:28(g))?

- e. ¿Entiende además que al declararse culpable **usted renuncia a** su derecho de apelar la denegación de todos los demás pedimentos previos al juicio excepto los siguientes:

[Sí/Yes]

[No/No]

Do you further understand that by pleading guilty **you are waiving** your right to appeal the denial of all other pretrial motions except the following:

5. ¿Entiende que si usted se declara culpable:

Do you understand that if you plead guilty:

- a. Tendrá antecedentes penales? [Sí/Yes] [No/No]
You will have a criminal record?

- b. A menos que el convenio declaratorio estipule otra cosa, se le podría sentenciar a cumplir el tiempo máximo de reclusión, a pagar la multa máxima y a pagar la multa máxima de la Agencia de Compensación a Víctimas de Delitos? [Sí/Yes] [No/No]
Unless the plea agreement provides otherwise, you could be sentenced to serve the maximum time in confinement, to pay the maximum fine and to pay the maximum Victims of Crime Compensation Agency Assessment?

- c. Tendrá que pagar una multa mínima de la Agencia de Compensación a Víctimas de Delitos de \$50 dólares (un mínimo de \$100 dólares si se le condena por un delito violento) por cada cargo de que usted se declara culpable? (La multa es \$30 dólares si la infracción ocurrió entre el 9 de enero de 1986 y el 22 de diciembre de 1991; \$25 dólares si la infracción ocurrió antes del primero de enero de 1986.) [Sí/Yes] [No/No]
You must pay a minimum Victims of Crime Compensation Agency assessment of \$50 (\$100 minimum if you are convicted of a crime of violence) for each count to which you plead guilty? (Penalty is \$30 if offense occurred between January 9, 1986 and December 22, 1991 inclusive. \$25 if offense occurred before January 1, 1986.)

- d. Si la infracción ocurrió el primero de febrero de 1993 o después de dicha fecha pero antes del 13 de marzo de 1995 y se le sentencia a libertad a prueba o a un instituto correccional del estado, usted tendrá que pagar un gasto de transacción de hasta \$1.00 dólar en cada ocasión en que se haga un pago o en que se abone una cuota? Si la infracción ocurrió el 13 de marzo de 1995 o después de dicha fecha, y se le sentencia a libertad a prueba, o si la sentencia por otro motivo requiere pagos de obligaciones económicas a la división de libertad a prueba, usted tendrá que pagar un gasto de transacción de hasta \$2.00 dólares en cada ocasión en que se haga un pago o se abone una cuota? [Sí/Yes] [No/No]

If the offense occurred on or after February 1, 1993 but was before March 13, 1995, and you are being sentenced to probation or a State correctional facility, you must pay a transaction fee of up to \$1.00 for each occasion when a payment or installment payment is made? If the offense occurred on or after March 13, 1995 and the sentence is to probation, or the sentence otherwise requires payments of financial obligations to the probation division, you must pay a transaction fee of up to \$2.00 for each occasion when a payment or installment payment is made?

Iniciales del acusado / Defendant's Initials

5. e. Si la infracción ocurrió el 2 de agosto de 1993 o después de dicha fecha, usted tendrá que pagar una multa de \$75 dólares al Fondo de Servicios de Vecindarios Seguros por cada condena? [Sí/Yes] [No/No]
If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction?
- f. Si la infracción ocurrió el 5 de enero de 1994 o después de dicha fecha y se le sentencia a libertad a prueba, usted tendrá que pagar un cargo de un máximo de \$25 dólares por mes durante el término de la libertad a prueba? [Sí/Yes] [No/No]
If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation?
- g. Si el delito ocurrió el 9 de enero de 1997 o después de dicha fecha, usted tendrá que pagar una multa de \$30 dólares al Fondo de Capacitación y Equipo de Oficiales del Orden Público? [Sí/Yes] [No/No]
If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30?
- h. Se requerirá que usted suministre y pague el costo del análisis de una muestra de su ADN que podría ser usada por las autoridades del orden público en la investigación de actividades delictuosas? [Sí/Yes] [No/No]
You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing?
6. ¿Entiende que a su discreción **el juez podría** imponerle un tiempo mínimo de reclusión que cumplir antes de que pueda aspirar a la libertad condicional, y que ese período podría ser tan largo como la mitad del período de la sentencia de privación de libertad que se le haya impuesto a usted? [Sí/Yes] [No/No]
Do you understand that **the court could**, in its discretion, impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentence imposed?
7. ¿Presentó usted una declaración de culpabilidad a algún cargo **que requiera** un período obligatorio sin posibilidades de libertad condicional o un término obligatorio prolongado? [Sí/Yes] [No/No]
Did you enter a plea of guilty to any charges **that require** a mandatory period of parole ineligibility or a mandatory extended term?
- a. Si usted se declara culpable de tal cargo, el período mínimo obligatorio sin posibilidades de libertad condicional es ____ años y ____ meses (llene la cantidad de años/meses) y el período máximo sin posibilidades de libertad condicional podrá ser de ____ años y ____ meses (llene la cantidad de años/meses) y dicho período no se podrá reducir por créditos por buen comportamiento, trabajo o custodia mínima.
If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is ____ years and ____ months (fill in the number of years/months) and the maximum period of parole ineligibility can be ____ years and ____ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits.

Iniciales del acusado / Defendant's Initials _____

7. **b.** Si usted se declara culpable de tal cargo, el término obligatorio prolongado mínimo es ____ años y ____ meses (llene la cantidad de años/meses), y el término obligatorio prolongado máximo puede ser ____ años y ____ meses (llene la cantidad de años/meses).

If you are pleading guilty to such a charge, the minimum mandatory extended term is ____ years and ____ months (fill in the number of years/months) and the maximum mandatory extended term can be ____ years and ____ months (fill in the number of years/months).

8. ¿Se declara usted culpable de un delito que conlleva la presunción de encarcelamiento, [Sí/Yes] [No/No] lo cual quiere decir que es casi seguro que usted irá a una prisión del estado?

Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison?

9. ¿Actualmente se encuentra usted bajo libertad a prueba o libertad [Sí/Yes] [No/No] condicional?

Are you presently on probation or parole?

- a. ¿Se da cuenta usted de que una declaración de culpabilidad podrá [Sí/Yes] [No/No] [No aplica/NA] dar por resultado una infracción de su libertad a prueba o bajo palabra?

Do you realize that a guilty plea may result in a violation of your probation or parole?

10. ¿Actualmente está cumpliendo usted una sentencia privativa de [Sí/Yes] [No/No] libertad por otro cargo?

Are you presently serving a custodial sentence on another charge?

- a. ¿Entiende usted que una declaración de culpabilidad podría [Sí/Yes] [No/No] [No aplica/NA] afectar sus posibilidades de conseguir libertad condicional?

Do you understand that a guilty plea may affect your parole eligibility?

11. ¿Entiende usted que si se ha declarado culpable de otros cargos, o lo [Sí/Yes] [No/No] [No aplica/NA] han encontrado culpable de otros cargos, o si actualmente está cumpliendo un término de privación de libertad y el convenio declaratorio no menciona el tema, el juez podrá requerir que las sentencias sean consecutivas?

Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively?

12. Enumere los cargos que el fiscal haya acordado recomendar que se desestimen:

List any charges the prosecutor has agreed to recommend for dismissal:

No. de Ac. Formal/Ac./Denun. Ind./Acc./Compl.#	Cargo Count	Naturaleza y grado de la infracción Nature of Offense and Degree
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Iniciales del acusado / Defendant's Initials _____

13. Especifique cualquier sentencia que el fiscal haya acordado recomendar:

Specify any sentence the prosecutor has agreed to recommend:

14. ¿Ha prometido el fiscal que él o ella **NO:**

Has the prosecutor promised that he or she will **NOT**:

- a.** Hablará cuando lo sentencien a usted? [Sí/Yes] [No/No]
Speak at sentencing?
- b.** Tratará de obtener un término prolongado de reclusión? [Sí/Yes] [No/No]
Seek an extended term of confinement?
- c.** Tratará de obtener la estipulación de que usted no podrá conseguir la libertad condicional? [Sí/Yes] [No/No]
Seek a stipulation of parole ineligibility?

15. ¿Sabe usted que tendrá que pagar una restitución si el juez determina que existe una víctima que ha sufrido una pérdida y si el juez determina que usted puede o en el futuro podrá pagar una restitución? [Sí/Yes] [No/No] [No aplica/NA]

Are you aware that you must pay restitution if the court finds there is a victim who has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution?

16. ¿Entiende usted que si ocupa un cargo público o si es empleado público, se podrá requerir que renuncie a su cargo o empleo en virtud de su declaración de culpabilidad? [Sí/Yes] [No/No] [No aplica/NA]

Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job by virtue of your plea of guilty?

17. a. ¿Es usted ciudadano de los Estados Unidos? [Sí/Yes] [No/No]
(Si no lo es, conteste la pregunta 17b.)

Are you a citizen of the United States?
(If no, answer question #17b)

b. ¿Entiende usted que si no posee la ciudadanía o la nacionalidad de los Estados Unidos, podrá ser deportado en virtud de su declaración de culpabilidad? [Sí/Yes] [No/No]

Do you understand that if you are not a United States citizen or national, you may be deported by virtue of your plea of guilty?

Iniciales del acusado / Defendant's Initials

- 18. a.** ¿Entiende que, conforme a las reglas del Acuerdo Interestatal de Supervisión de Infractores Adultos, si usted reside fuera del estado de Nueva Jersey en el momento de ser sentenciado, su regreso a su residencia podría demorarse hasta que su estado de residencia acepte la transferencia de su supervisión? [Sí/Yes] [No/No]
Do you understand that pursuant to the rules of the Interstate Compact for Adult Offender Supervision if you are residing outside the State of New Jersey at the time of sentencing that return to your residence may be delayed pending acceptance of the transfer of your supervision by your state of residence?
- b.** ¿Entiende también que, conforme al mismo Acuerdo Interestatal, un estado puede denegar o restringir la transferencia de su supervisión a ese estado en cualquier momento después de que haya sido sentenciado si ese estado determina que se requiere que usted se registre como delincuente sexual en ese estado o si Nueva Jersey ha requerido que se registre como delincuente sexual? [Sí/Yes] [No/No]
Do you also understand that pursuant to the same Interstate Compact transfer of your supervision to another state may be denied or restricted by that state at any time after sentencing if that state determines you are required to register as a sex offender in that state or if New Jersey has required you to register as a sex offender?
- 19.** ¿Ha hablado usted con su abogado sobre la doctrina legal de fusión? [Sí/Yes] [No/No] [No aplica/NA]
Have you discussed with your attorney the legal doctrine of merger?
- 20.** ¿Renuncia usted al derecho que tiene cuando lo sentencien de argüir que hay cargos de que se declaró culpable para los cuales no se le puede imponer una sentencia aparte? [Sí/Yes] [No/No] [No aplica/NA]
Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence?
- 21.** Enumere cualquier otra promesa o representación que haya hecho usted, el fiscal, su abogado defensor, o cualquier otra persona como parte de esta declaración de culpabilidad:
List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty:
-
-
-
-
-
-
-
- 22.** ¿Se le ha hecho alguna otra promesa además de las que se mencionan en este formulario, o alguna amenaza, para conseguir que usted se declare culpable? [Sí/Yes] [No/No]
Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty?

Iniciales del acusado / Defendant's Initials _____

23. a. ¿Entiende usted que el juez no se encuentra obligado por ninguna promesa o recomendación del fiscal y que el juez tiene el derecho de rechazar la declaración antes de sentenciarlo a usted y el derecho de imponerle una sentencia mayor? [Sí/Yes] [No/No]

Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence?

b. ¿Entiende usted que si el juez decide imponerle una sentencia mayor que la que recomienda el fiscal, usted podrá retractar su declaración? [Sí/Yes] [No/No]

Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea?

c. ¿Entiende que si se permite que usted retracte su declaración de culpabilidad debido a la sentencia del juez, cualquier cosa que usted diga para apoyar la declaración de culpabilidad no se podrá usar en su contra en un juicio? [Sí/Yes] [No/No]

Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial?

24. ¿Está usted conforme con los consejos que ha recibido de su abogado? [Sí/Yes] [No/No]
Are you satisfied with the advice you have received from your lawyer?

25. ¿Tiene usted alguna pregunta con respecto a esta declaración? [Sí/Yes] [No/No]
Do you have any questions concerning this plea?

Fecha: _____ Acusado _____
Date Defendant

Abogado defensor _____
Defense Attorney

Fiscal _____
Prosecutor

[] Esta declaración es el resultado de las indicaciones condicionales del juez en cuanto a la sentencia máxima que él o ella impondría sin consideración de la recomendación del fiscal. Por consiguiente, se ha completado el "Formulario Suplementario para Declaraciones No Negociadas".

This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.

Iniciales del acusado / Defendant's Initials _____

ATTACHMENT 2

**SUPPLEMENTAL PLEA FORM FOR NON-
NEGOTIATED PLEAS**

ENGLISH AND ENGLISH-SPANISH VERSIONS



New Jersey Judiciary
Supplemental Plea Form for Non-Negotiated Pleas

This form should be filled out only in cases where the defendant is pleading guilty based on the judge's representation as to what the maximum sentence will be.

1. List any promises or representations that have been made by the judge as to what your sentence will be.

2. Do you understand that if the judge determines at the time of sentencing that imposing a sentence no greater than that which he or she promised would not serve the interests of justice, then the judge may order your plea be vacated or you will be allowed to withdraw your plea, and your case will proceed to trial. [Yes] [No]

Date: _____

Defendant

Approved by:
(For purposes of plea only)

Judge

Prosecutor



Poder Judicial de Nueva Jersey
New Jersey Judiciary

Formulario de declaración suplementario para declaraciones no negociadas
Supplemental Plea Form for Non-Negotiated Pleas

Este formulario se debe completar solamente en los casos en que el acusado se está declarando culpable basado en la manifestación del juez en cuanto a la sentencia máxima que le dará

This form should be filled out only in cases where the defendant is pleading guilty based on the judge's representation as to what the maximum sentence will be.

1. Enumere cualquier promesa o manifestación que le ha hecho el juez en cuanto a la sentencia que le dará.

List any promises or representations that have been made by the judge as to what your sentence will be.

2. Entiende que si, en el momento de dictar sentencia, el juez determina que al imponer una sentencia no mayor que la que él le prometió, no se tendrían en cuenta los intereses de la justicia, entonces el juez podrá ordenar que se anule su declaración, o a usted le permitirán retirar su declaración, y se proseguirá a conocer su causa. [Sí/Yes] [No/No]

Do you understand that if the judge determines at the time of sentencing that imposing a sentence no greater than that which he or she promised would not serve the interests of justice, then the judge may order your plea be vacated or you will be allowed to withdraw your plea, and your case will proceed to trial.

Fecha: _____
Date

Acusado
Defendant

Aprobado por:
Approved by
(Solamente para los efectos de la declaración)
(For purposes of plea only)

Juez
Judge

Fiscal
Prosecutor

ATTACHMENT 3

**SUPPLEMENTAL PLEA FORM FOR SEXUAL
OFFENSES**

ENGLISH AND ENGLISH-SPANISH VERSIONS



New Jersey Judiciary
Supplemental Plea Form for Sexual Offenses

The following additional questions need to be answered only if you are pleading guilty to an offense of Aggravated Sexual Assault, Sexual Assault or Aggravated Criminal Sexual Contact or kidnapping pursuant to *N.J.S.A. 2C:13-1c(2)* or an attempt to commit one of these crimes.

1. Do you understand you will be required to submit to a physical and psychological examination at the Avenel Diagnostic and Treatment Center the purpose of which is to determine if your conduct in committing the offense was characterized by a pattern of repetitive and compulsive behavior? [Yes] [No]
2. Do you understand if the examination reveals that your conduct is characterized by a pattern of repetitive and compulsive behavior, the judge may sentence you to confinement at the Adult Diagnostic and Treatment Center for a program of specialized treatment for your mental condition? [Yes] [No]
3. Do you understand you will be able to challenge the findings of the Adult Diagnostic and Treatment Center in a hearing and that at that hearing you will have the right to confront the witnesses against you and to cross examine them and then present evidence on your own behalf? [Yes] [No]
4. Do you understand if you are sentenced to the Adult Diagnostic and Treatment Center
 - a. that any future parole will not be guided by the normal parole guidelines? [Yes] [No]
 - b. that you will be eligible for release when the State Parole Board, after receiving a recommendation from a special classification review board, finds that you are capable of making an acceptable social adjustment in the community? [Yes] [No]
 - c. that you could spend more time in treatment than you would spend if sentenced to state prison? [Yes] [No]

Date: _____ Defendant: _____

Defense Attorney: _____

Prosecutor: _____



Poder Judicial de Nueva Jersey
New Jersey Judiciary

Formulario de declaración suplemental para delitos sexuales
Supplemental Plea Form for Sexual Offenses

Es necesario contestar las siguientes preguntas adicionales solamente si usted se está declarando culpable de un delito de Agresión Sexual con Agravantes, Agresión Sexual o Contacto Sexual Ilícito con Agravantes o Secuestro conforme a N.J.S.A. 2C:13-1c(2) o el intento de cometer uno de dichos delitos.

The following additional questions need to be answered only if you are pleading guilty to an offense of Aggravated Sexual Assault, Sexual Assault or Aggravated Criminal Sexual Contact or kidnapping pursuant to *N.J.S.A. 2C:13-1c(2)* or an attempt to commit one of these crimes.

1. ¿Entiende usted que se requerirá que se someta a un examen físico y psicológico en el Centro Diagnóstico y de Tratamiento de Avenel con el propósito de determinar si su conducta se caracterizaba por un patrón de comportamiento repetidor y compulsivo cuando cometió el delito? [Sí/Yes] [No/No]

Do you understand you will be required to submit to a physical and psychological examination at the Avenel Diagnostic and Treatment Center the purpose of which is to determine if your conduct in committing the offense was characterized by a pattern of repetitive and compulsive behavior?

2. ¿Entiende usted que si el examen revela que su conducta se caracteriza por un patrón de comportamiento repetidor y compulsivo, el juez lo podrá sentenciar a la reclusión en el Centro Diagnóstico y de Tratamiento para un programa de tratamiento especializado para su condición mental? [Sí/Yes] [No/No]

Do you understand if the examination reveals that your conduct is characterized by a pattern of repetitive and compulsive behavior, the judge may sentence you to confinement at the Adult Diagnostic and Treatment Center for a program of specialized treatment for your mental condition?

3. ¿Entiende usted que podrá disputar en una vista los hallazgos del Centro Diagnóstico y de Tratamiento y que en esa vista tendrá el derecho de confrontar a los testigos en su contra, de contrainterrogarlos y entonces de presentar pruebas a su favor? [Sí/Yes] [No/No]

Do you understand you will be able to challenge the findings of the Adult Diagnostic and Treatment Center in a hearing and that at that hearing you will have the right to confront the witnesses against you and to cross examine them and then present evidence on your own behalf?

4. ¿Entiende usted que si lo sentencian al Centro Diagnóstico y de Tratamiento de Adultos

Do you understand if you are sentenced to the Adult Diagnostic and Treatment Center

- a. las pautas normales de libertad condicional no regirán para cualquier libertad condicional en el futuro [Sí/Yes] [No/No]

that any future parole will not be guided by the normal parole guidelines?

- b. usted reunirá las condiciones necesarias para que lo pongan en libertad cuando la Junta Estatal de Libertad Condicional, una vez que reciba la recomendación de una junta especial de revisión de clasificaciones, encuentre que usted es capaz de una adaptación social aceptable en la comunidad? [Sí/Yes] [No/No]

that you will be eligible for release when the State Parole Board, after receiving a recommendation from a special classification review board, finds that you are capable of making an acceptable social adjustment in the community?

4. c. usted podría pasar más tiempo bajo tratamiento que el que pasaría si lo [Sí/Yes] [No/No]
sentenciaran a una prisión estatal?
that you could spend more time in treatment than you would spend if sentenced to
state prison?

Fecha: _____ Acusado: _____
Date Defendant

Abogado Defensor: _____
Defense Attorney

Fiscal: _____
Prosecutor

ATTACHMENT 4

**ADDITIONAL QUESTIONS FOR CERTAIN SEXUAL
OFFENSES COMMITTED**

ON OR AFTER DECEMBER 1, 1998

ENGLISH AND ENGLISH-SPANISH VERSIONS



New Jersey Judiciary
**Additional Questions for Certain Sexual Offenses
Committed On or After December 1, 1998**

These additional questions need to be answered if you are pleading guilty to the offense of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child under 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(4), or any attempt to commit any such offense.

1. Do you understand you will be required to submit to a psychological examination by the Department of Corrections the purpose of which is to determine if your conduct in committing the offense was characterized by a pattern of repetitive and compulsive behavior and if it was, whether you are amenable to (will benefit from) sex offender treatment and you are willing to participate in such treatment? [Yes] [No]
2. Do you understand if the examination reveals that your conduct is characterized by a pattern of repetitive and compulsive behavior, and you are amenable to (will benefit from) sex offender treatment and willing to participate in such treatment, the judge shall, upon recommendation of the Department of Corrections, sentence you to confinement at the Adult Diagnostic and Treatment Center for sex offender treatment; however, if the sentence imposed is greater than 7 years, you will first be confined at a facility other than the Adult Diagnostic and Treatment Center? [Yes] [No]
3. Do you understand if the court finds your conduct is characterized by a pattern of repetitive and compulsive behavior and you are not amenable to sex offender treatment or if you are amenable (will benefit from) but you are not willing to participate in such treatment, the court will sentence you to a term of incarceration to be served in another facility which will not provide for sex offender treatment **and** in such event, you will not receive commutation time for good behavior or each work credits for time served in such other facility? [Yes] [No]
4. Do you understand you will be able to challenge the findings of the Department of Corrections in a hearing and at that hearing you will have the right to confront the witnesses against you and to cross examine them and then present evidence on your own behalf? [Yes] [No]
5. Do you understand if you are sentenced to the Adult Diagnostic and Treatment Center
 - a. that any future parole will not be guided by the normal parole guidelines? [Yes] [No]

5. b. that you will be **eligible** for release when the State Parole Board, after receiving a recommendation from a special classification review board, finds you have achieved a satisfactory level of progress in sex offender treatment and that you will then be released on parole **unless** the State Parole Board determines by a preponderance of the evidence that you have failed to cooperate in your rehabilitation **or** there is reasonable expectation that you will violate conditions of parole? [Yes] [No]
- c. that you could spend more time in treatment than you would spend if sentenced to state prison? [Yes] [No]
6. Do you understand that if you are determined to be a repetitive, compulsive sex offender who is amenable to (will benefit from) sex offender treatment but you are **not** willing to participate in such treatment and are confined to a facility other than Adult Diagnostic and Treatment Center, you will also be subject to the same parole eligibility terms as contained in section 5 above? [Yes] [No]
7. Do you understand that if your conduct is **not** characterized by a pattern of repetitive, compulsive behavior or you are not amenable to sex offender treatment you will not become primarily eligible for parole until you have served any mandatory minimum term imposed by the court **or** one third of the sentence imposed where no mandatory minimum term is fixed **and** neither term will be reduced by commutation time for good behavior or work credits? [Yes] [No]

Date: _____ Defendant: _____

Defense Attorney: _____

Prosecutor: _____

NOTE: If the defendant is a female and qualifies for sex offender treatment, she will not be confined at the Adult Diagnostic and Treatment Center but a facility designated by the Commissioner of Corrections where she will receive similar sex offender treatment.



**Poder Judicial de Nueva Jersey
New Jersey Judiciary**

**Preguntas adicionales para ciertos delitos sexuales
cometidos a partir del primero de diciembre de 1998
Additional Questions for Certain Sexual Offenses
Committed on or After December 1, 1998**

Usted tiene que contestar a estas preguntas adicionales si se está declarando culpable del delito de agresión sexual con agravantes, agresión sexual, contacto sexual criminal con agravantes, rapto según 2C:13-1c(2), poner en peligro el bienestar de un menor participando en una conducta sexual que perjudique o corrompa la moral del menor según 2C:24-4a, poner en peligro el bienestar de un menor conforme a 2C:24-4b(4) o del intento de cometer cualquiera de dichos delitos.

These additional questions need to be answered if you are pleading guilty to the offense of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child under 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(4), or any attempt to commit any such offense.

1. ¿Entiende usted que se requerirá que se someta a un examen psicológico [Sí/Yes] [No/No]
realizado por el Departamento de Correcciones con el propósito de determinar
si su conducta se caracterizaba por un patrón de comportamiento repetidor y
compulsivo cuando cometió el delito, y de ser así, si usted aceptaría (se
beneficiaría de) un tratamiento para delincuentes sexuales y si usted estaría
dispuesto a participar en dicho tratamiento?

Do you understand you will be required to submit to a psychological examination by the
Department of Corrections the purpose of which is to determine if your conduct in
committing the offense was characterized by a pattern of repetitive and compulsive
behavior and if it was, whether you are amenable to (will benefit from) sex offender
treatment and you are willing to participate in such treatment?

2. ¿Entiende usted que si el examen revela que su conducta se caracteriza por un [Sí/Yes] [No/No]
patrón de comportamiento repetidor y compulsivo, y usted aceptaría (se
beneficiaría de) un tratamiento para delincuentes sexuales y estaría dispuesto a
participar en dicho tratamiento, el juez, ante la recomendación del
Departamento de Correcciones, lo sentenciará a reclusión en el Centro de
Diagnóstico y Tratamiento de Adultos, para tratamiento de delincuentes
sexuales; sin embargo, si la sentencia que le impongan es de más de 7 años,
primero lo recluirán en una institución que no sea el Centro de Diagnóstico y
Tratamiento de Adultos?

Do you understand if the examination reveals that your conduct is characterized by a pattern
of repetitive and compulsive behavior, and you are amenable to (will benefit from) sex
offender treatment and willing to participate in such treatment, the judge shall, upon
recommendation of the Department of Corrections, sentence you to confinement at the
Adult Diagnostic and Treatment Center for sex offender treatment; however, if the sentence
imposed is greater than 7 years, you will first be confined at a facility other than the Adult
Diagnostic and Treatment Center?

3. ¿Entiende que si el juez determina que su conducta se caracteriza por un patrón de comportamiento repetidor y compulsivo y usted no aceptaría un tratamiento para delincuentes sexuales o si aceptaría (se beneficiaría de) dicho tratamiento pero no está dispuesto a participar en él, el juez lo sentenciará a un término de encarcelamiento que cumplirá en otra institución que no incluirá ningún tratamiento para delincuentes sexuales y en dicho caso, no se le conmutará el tiempo por buena conducta ni recibirá créditos de trabajo por el tiempo cumplido en esa otra institución? [Sí/Yes] [No/No]
- Do you understand if the court finds your conduct is characterized by a pattern of repetitive and compulsive behavior and you are not amenable to sex offender treatment or if you are amenable (will benefit from) but you are not willing to participate in such treatment, the court will sentence you to a term of incarceration to be served in another facility which will not provide for sex offender treatment **and** in such event, you will not receive commutation time for good behavior or each work credits for time served in such other facility?
4. ¿Entiende usted que podrá disputar en una vista los hallazgos del Departamento de Correcciones y que en esa vista tendrá el derecho de confrontar a los testigos en su contra, de contrainterrogarlos y de presentar pruebas a su favor? [Sí/Yes] [No/No]
- Do you understand you will be able to challenge the findings of the Department of Corrections in a hearing and at that hearing you will have the right to confront the witnesses against you and to cross examine them and then present evidence on your own behalf?
5. ¿Entiende usted que si lo sentencian al Centro de Diagnóstico y Tratamiento de Adultos
- Do you understand if you are sentenced to the Adult Diagnostic and Treatment Center
- a. las pautas normales de libertad condicional no regirán para cualquier libertad condicional en el futuro? [Sí/Yes] [No/No]
- that any future parole will not be guided by the normal parole guidelines?
- b. usted **calificará para que** lo pongan en libertad cuando la Junta Estatal de Libertad Condicional, después de recibir la recomendación de una junta especial de revisión de clasificaciones, encuentre que usted ha logrado un nivel satisfactorio de progreso en el tratamiento para delincuentes sexuales y que entonces lo pondrán en libertad bajo palabra **a menos que** la Junta Estatal de Libertad Bajo Palabra determine por una preponderancia de las pruebas que usted ha dejado de colaborar en su rehabilitación **o** si es razonable esperar que usted infrinja las condiciones de libertad condicional? [Sí/Yes] [No/No]
- that you will be **eligible** for release when the State Parole Board, after receiving a recommendation from a special classification review board, finds you have achieved a satisfactory level of progress in sex offender treatment and that you will then be released on parole **unless** the State Parole Board determines by a preponderance of the evidence that you have failed to cooperate in your rehabilitation **or** there is reasonable expectation that you will violate conditions of parole?
5. c. que usted podría pasar más tiempo bajo tratamiento que el que pasaría si lo sentenciaran a la prisión estatal? [Sí/Yes] [No/No]
- that you could spend more time in treatment than you would spend if sentenced to state prison?

6. ¿Entiende usted que si se determina que es un delincuente sexual repetidor y compulsivo y que aceptaría (se beneficiaría de) un tratamiento para delincuentes sexuales pero usted **no** está dispuesto a participar en dicho tratamiento y queda recluso en una institución que no sea el Centro de Diagnóstico y Tratamiento de Adultos, también estará sujeto a los mismos términos que figuran más arriba en la sección 5 para salir en libertad condicional? [Sí/Yes] [No/No]

Do you understand that if you are determined to be a repetitive, compulsive sex offender who is amenable to (will benefit from) sex offender treatment but you are **not** willing to participate in such treatment and are confined to a facility other than Adult Diagnostic and Treatment Center, you will also be subject to the same parole eligibility terms as contained in section 5 above?

7. ¿Entiende usted que si su conducta **no** se caracteriza por un patrón de comportamiento repetidor y compulsivo o si usted no aceptaría recibir tratamiento para delincuentes sexuales, no calificará para primariamente salir en libertad condicional hasta que haya cumplido cualquier término mínimo obligatorio impuesto por el juez o un tercio de la sentencia impuesta cuando no se haya fijado ningún término mínimo obligatorio y ninguno de los términos será reducido por tiempo de conmutación por buen comportamiento o créditos de trabajo? [Sí/Yes] [No/No]

Do you understand that if your conduct is **not** characterized by a pattern of repetitive, compulsive behavior or you are not amenable to sex offender treatment you will not become primarily eligible for parole until you have served any mandatory minimum term imposed by the court or one third of the sentence imposed where no mandatory minimum term is fixed and neither term will be reduced by commutation time for good behavior or work credits?

Fecha: _____ Acusado: _____
Date Defendant

Abogado Defensor: _____
Defense Attorney

Fiscal: _____
Prosecutor

NOTA: Sí se trata de una acusada y ella califica para recibir tratamiento para delincuentes sexuales, no quedará reclusa en el Centro de Diagnóstico y Tratamiento de Adultos sino en una institución designada por el Comisionado de Correcciones donde recibirá un tratamiento similar para delincuentes sexuales.

NOTE: If the defendant is a female and qualifies for sex offender treatment, she will not be confined at the Adult Diagnostic and Treatment Center but a facility designated by the Commissioner of Corrections where she will receive similar sex offender treatment.

ATTACHMENT 5

**ADDITIONAL QUESTIONS FOR CERTAIN SEXUAL
OFFENSES**

(Megan's Law Plea Form)

ENGLISH AND ENGLISH-SPANISH VERSIONS



New Jersey Judiciary
Additional Questions for Certain Sexual Offenses

These additional questions need to be answered if you are pleading guilty to the offense of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child under 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(3), (4) or (5)(a), luring or enticing a child pursuant to 2C:13-6, criminal sexual contact pursuant to 2C:14-3b if the victim is a minor; kidnapping pursuant to 2C:13-1, criminal restraint pursuant to 2C:13-2 or false imprisonment pursuant to 2C:13-3 if the victim is a minor and the offender is not the parent, promoting child prostitution pursuant to 2C:34-1b(3), (4), or any attempt to commit any such offense. Note also that Question 7 includes the offense of felony murder if the underlying crime is sexual assault, as well as any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the offense should be considered a sexually violent offense, or an attempt to commit these offenses.

1. Registration

- | | | |
|--|-------|------|
| a) Do you understand that you must register with certain public agencies? | [Yes] | [No] |
| b) Do you understand that if you change residence you must notify the law enforcement agency where you are registered, and must re-register with the chief law enforcement officer of the municipality in which you will reside, or the Superintendent of State Police if the municipality does not have a chief law enforcement officer, no less than 10 days before you intend to reside at the new address? | [Yes] | [No] |
| c) Do you understand that if you fail to register or re-register you may be charged with a third degree crime and receive a sentence of imprisonment of up to 5 years? | [Yes] | [No] |
| d) Do you understand that you must provide the appropriate law enforcement agency with information about your routine access to or use of a computer or device with Internet capability? (if the offense was committed on or after February 25, 2008) | [Yes] | [No] |
| e) Do you understand that if you fail to notify the appropriate law enforcement agency about your routine access to or use of a computer or device with Internet capability or a change in such use or access, you may be charged with a fourth degree crime and may receive a sentence of imprisonment of up to 18 months? (if the offense was committed on or after February 25, 2008) | [Yes] | [No] |

2. Address Verification

- a) Do you understand that if you are pleading guilty to aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2) or any attempt to commit any of these crimes and at sentencing the court finds that your conduct was characterized by a pattern of repetitive, compulsive behavior you must verify your address with the appropriate law enforcement agency every 90 days or if the court finds your conduct is not characterized by a pattern of repetitive and compulsive behavior, you must verify your address annually? [Yes] [No]
- b) Do you understand that if you provide false information concerning your residence or fail to verify your address you may be charged with a fourth degree crime and receive a sentence of imprisonment of up to 18 months? [Yes] [No]

3. Notification

Do you understand that the requirement of registration may result in notification to law enforcement, community organizations, or the public at large, of your release from incarceration or presence in the community? [Yes] [No]

4a. Community Supervision for Life **(only complete if the offense occurred before January 14, 2004).** (If the offense occurred on or after January 14, 2004, the defendant should complete Question 4b, Parole Supervision for Life).

- (1) Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to 2C:24-4a, luring, or an attempt to commit any such offense, the court, in addition to any other sentence, will impose a special sentence of community supervision for life? [Yes] [No]
- (2) Do you understand that being sentenced to community supervision for life means that: you will be supervised for at least 15 years as if on parole, and subject to conditions appropriate to protect the public and foster rehabilitation, including, but not limited to counseling; Internet access or use; and other restrictions, which may include restrictions on where you can live, work or travel? [Yes] [No] [NA]
- (3) Do you understand that the restrictions on where you can live may include restrictions on residing in a home with minor children? [Yes] [No] [NA]

4b. Parole Supervision for Life (**only complete if the offense occurred on or after January 14, 2004**).

- | | | | |
|--|-------|------|------|
| (1) Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of a child pursuant to 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(3), luring or an attempt to commit any of these offenses and the offense occurred on or after January 14, 2004, the court, in addition to any other sentence, will impose a special sentence of parole supervision for life? | [Yes] | [No] | [NA] |
| (2) Do you understand that being sentenced to parole supervision for life means that upon release from incarceration or immediately upon imposition of a suspended sentence you will be supervised by the Division of Parole for at least 15 years and will be subject to provisions and conditions of parole, including conditions appropriate to protect the public and foster rehabilitation, such as, but not limited to, counseling, Internet access or use, and other restrictions which may include restrictions on where you can live, work, travel or persons you can contact? | [Yes] | [No] | [NA] |
| (3) Do you understand that the restrictions on where you can live may include restrictions on residing in a home with minor children? | [Yes] | [No] | [NA] |
| (4) Do you understand that if you violate a condition of parole supervision for life, your parole may be revoked and you can be sent to prison for 12 to 18 months for each revocation that occurs while you are being supervised and that the prison term you receive cannot be reduced by commutation or work credits? | [Yes] | [No] | [NA] |
| (5) Do you understand that if you violate a condition of parole supervision for life and you are indicted and convicted for that violation, you will receive a sentence of imprisonment of up to 18 months and that the sentence you receive could be in addition to any prison term you may receive from the Parole Board for a violation of parole supervision for life? | [Yes] | [No] | [NA] |

5. Internet Posting

- | | | |
|--|-------|------|
| Do you understand that as a result of your conviction your name, age, race, sex, date of birth, height, weight, eye color, any distinguishing scars or tattoos you have, your photograph, the make, model, color, year and license plate number of any vehicle you operate, the street address, zip code, municipality and county in which you reside and a description of the offense for which you are pleading guilty, may be publicly available on the Internet? | [Yes] | [No] |
|--|-------|------|

6. Statewide Sexual Assault Nurse Examiner Program Penalty
Do you understand that if the crime occurred on or after May 4, 2001 as a result of your guilty plea you will be required to pay a penalty of \$800 for each offense for which you are pleading guilty? [Yes] [No]
7. Civil Commitment
Do you understand that if you are convicted of a sexually violent offense, such as aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2)(b), criminal sexual contact, felony murder if the underlying crime is sexual assault, an attempt to commit any of these offenses, or any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the offense should be considered a sexually violent offense, you may upon completion of your term of incarceration, be civilly committed to another facility for up to life if the court finds, after a hearing, that you are in need of involuntary civil commitment? [Yes] [No]
8. Sex Crime Victim Treatment Fund Penalty (S.C.V.T.F.)
Do you understand that if the crime occurred on or after April 26, 2005, as a result of your guilty plea you will be required to pay a mandatory Sex Crime Victim Treatment Fund (S.C.V.T.F.) penalty as listed below for each offense for which you pled guilty? [Yes] [No]
- b. The mandatory penalties are as follows:
- (1) Up to \$2,000 in the case of a 1st degree crime
 - (2) Up to \$1,000 in the case of a 2nd degree crime
 - (3) Up to \$ 750 in the case of a 3rd degree crime
 - (4) Up to \$ 500 in the case of a 4th degree crime
- TOTAL S.C.V.T.F. Penalty: \$ _____

Date: _____ Defendant: _____

Defense Attorney: _____

Prosecutor: _____



Preguntas adicionales para ciertos delitos sexuales
Additional Questions for Certain Sexual Offenses

Usted debe contestar estas preguntas adicionales si se declara culpable del delito de agresión sexual con agravantes, agresión sexual, abuso deshonesto con agravantes, rapto bajo 2C:13-1c(2), poner en peligro el bienestar de un niño participando en conducta sexual que perjudique o pervierta la moral del niño bajo 2C:24-4a, poner en peligro el bienestar de un niño conforme a 2C:24-4b(3), (4) o (5)(a), seducir o atraer con engaño a un niño conforme a 2C:13-6, abuso deshonesto conforme a 2C:14-3b si la víctima es un menor; rapto conforme a 2C:13-1, constreñimiento ilegal conforme a 2C:13-2 o privación ilegal de libertad conforme a 2C:13-3 si la víctima es un menor y el infractor no es uno de los padres, fomento de la prostitución infantil conforme a 2C:34-1b(3), (4), o cualquier intento de cometer cualquiera de dichos delitos. Tenga en cuenta también que la pregunta 7 incluye el delito de homicidio preterintencional si el delito subyacente es agresión sexual, así como cualquier delito respecto al cual el juez hace constar en el acta su decisión específica de que, dadas las circunstancias del caso, dicho delito se debe considerar un delito de violencia sexual, o un intento de cometer dichos delitos.

These additional questions need to be answered if you are pleading guilty to the offense of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child under 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(3), (4) or (5)(a), luring or enticing a child pursuant to 2C:13-6, criminal sexual contact pursuant to 2C:14-3b if the victim is a minor; kidnapping pursuant to 2C:13-1, criminal restraint pursuant to 2C:13-2 or false imprisonment pursuant to 2C:13-3 if the victim is a minor and the offender is not the parent, promoting child prostitution pursuant to 2C:34-1b(3), (4), or any attempt to commit any such offense. Note also that Question 7 includes the offense of felony murder if the underlying crime is sexual assault, as well as any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the offense should be considered a sexually violent offense, or an attempt to commit these offenses.

1. Registro

Registration

- a) ¿Entiende usted que tiene que registrarse con ciertas agencias públicas? [Sí/Yes] [No/No]
Do you understand that you must register with certain public agencies?
- b) ¿Entiende usted que si cambia de residencia tiene que notificar a la agencia [Sí/Yes] [No/No]
del orden público donde está registrado y tiene que volver a registrarse con
el oficial principal del orden público del municipio en que usted residirá, o
con el Superintendente de la Policía Estatal si el municipio no tiene un
oficial principal del orden público, por lo menos 10 días antes de la fecha en
que usted piensa residir en la dirección nueva?
Do you understand that if you change residence you must notify the law enforcement
agency where you are registered, and must re-register with the chief law enforcement
officer of the municipality in which you will reside, or the Superintendent of State
Police if the municipality does not have a chief law enforcement officer, no less than
10 days before you intend to reside at the new address?
- c) ¿Entiende usted que si deja de registrarse o volver a registrarse, se le podrá [Sí/Yes] [No/No]
acusar de haber cometido un delito de tercer grado y podrá recibir una
sentencia de encarcelación de un máximo de 5 años?
Do you understand that if you fail to register or re-register you may be charged with a
third degree crime and receive a sentence of imprisonment of up to 5 years?

1. d) ¿Entiende usted que debe suministrar a la agencia apropiada del orden público información sobre su acceso habitual o uso de una computadora o un aparato con capacidad de Internet? **(si el delito se cometió el 25 de febrero del 2008 o después de esa fecha)** [Sí/Yes] [No/No]

Do you understand that you must provide the appropriate law enforcement agency with information about your routine access to or use of a computer or device with Internet capability? **(if the offense was committed on or after February 25, 2008)**

- e) ¿Entiende usted que si no notifica a la agencia apropiada del orden público sobre su acceso habitual o uso de una computadora o un aparato con capacidad de Internet o sobre un cambio en dicho uso o acceso, lo podrán acusar de un delito de cuarto grado y podrá recibir una sentencia de encarcelamiento de un máximo de 18 meses? **(si el delito se cometió el 25 de febrero del 2008 o después de esa fecha)** [Sí/Yes] [No/No]

Do you understand that if you fail to notify the appropriate law enforcement agency about your routine access to or use of a computer or device with Internet capability or a change in such use or access, you may be charged with a fourth degree crime and may receive a sentence of imprisonment of up to 18 months? **(if the offense was committed on or after February 25, 2008)**

2. Verificación de su dirección

Address Verification

- a) ¿Entiende que si usted se declara culpable de agresión sexual con agravantes, agresión sexual, abuso deshonesto con agravantes, rapto conforme a 2C:13-1c(2) o cualquier intento de cometer cualquiera de dichos delitos, y cuando lo sentencien el juez encuentra que su conducta se caracterizaba por un patrón de comportamiento reincidente y compulsivo, usted tiene que verificar su dirección con la agencia apropiada del orden público cada 90 días, o si el juez encuentra que su conducta no se caracteriza por un patrón de comportamiento reincidente y compulsivo, usted tiene que verificar su dirección una vez al año? [Sí/Yes] [No/No]

Do you understand that if you are pleading guilty to aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2) or any attempt to commit any of these crimes and at sentencing the court finds that your conduct was characterized by a pattern of repetitive, compulsive behavior you must verify your address with the appropriate law enforcement agency every 90 days or if the court finds your conduct is not characterized by a pattern of repetitive and compulsive behavior, you must verify your address annually?

- b) ¿Entiende usted que si suministra información falsa sobre su residencia o deja de verificar su dirección, se le podrá acusar de haber cometido un delito de cuarto grado y podrá recibir una sentencia de encarcelación de un máximo de 18 meses? [Sí/Yes] [No/No]

Do you understand that if you provide false information concerning your residence or fail to verify your address you may be charged with a fourth degree crime and receive a sentence of imprisonment of up to 18 months?

3. Notificación

Notification

¿Entiende usted que el requerimiento de registro podrá dar por resultado que se notifique a agencias del orden público, a organizaciones en la comunidad o al público en general, de que salió en libertad o de su presencia en la comunidad? [Sí/Yes] [No/No]

Do you understand that the requirement of registration may result in notification to law enforcement, community organizations, or the public at large, of your release from incarceration or presence in the community?

4a. Supervisión de por vida en la comunidad (**conteste solamente si el delito ocurrió antes del 14 de enero del 2004**). (Si el delito ocurrió el 14 de enero del 2004 o después de esa fecha, el acusado debe contestar la pregunta 4b, Supervisión bajo libertad condicional de por vida.)

Community Supervision for Life (**only complete if the offense occurred before January 14, 2004**). (If the offense occurred on or after January 14, 2004, the defendant should complete Question 4b, Parole Supervision for Life).

4a. (1) ¿Entiende usted que si se declara culpable de un delito de agresión sexual con agravantes, agresión sexual, abuso deshonesto con agravantes, rapto conforme a 2C:13-1c(2), poner en peligro el bienestar de un niño participando en conducta sexual que perjudique o pervierta la moral del niño conforme a 2C:24-4a, seducir, o el intento de cometer cualquiera de dichos delitos, el juez, además de cualquier otra sentencia, le impondrá una sentencia especial de supervisión de por vida en la comunidad? [Sí/Yes] [No/No]

Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to 2C:24-4a, luring, or an attempt to commit any such offense, the court, in addition to any other sentence, will impose a special sentence of community supervision for life?

(2) ¿Entiende usted que la sentencia de supervisión de por vida en la comunidad significa que: usted estará bajo supervisión durante un mínimo de 15 años como si se encontrara en libertad condicional y estará sujeto a las condiciones que sean apropiadas para proteger al público y promover su rehabilitación, que incluirán pero no se limitarán a asesoramiento; acceso a Internet o su uso; y a otras restricciones que podrán incluir restricciones en cuanto a dónde usted podrá vivir, trabajar o viajar? [Sí/Yes] [No/No] [No aplica/NA]

Do you understand that being sentenced to community supervision for life means that: you will be supervised for at least 15 years as if on parole, and subject to conditions appropriate to protect the public and foster rehabilitation, including, but not limited to counseling; Internet access or use; and other restrictions, which may include restrictions on where you can live, work or travel?

(3) ¿Entiende usted que las restricciones en cuanto a dónde podrá vivir pueden incluir restricciones en cuanto a residir en un hogar con menores? [Sí/Yes] [No/No] [No aplica/NA]

Do you understand that the restrictions on where you can live may include restrictions on residing in a home with minor children?

4b. Supervisión bajo libertad condicional de por vida (**conteste solamente si el delito ocurrió el 14 de enero del 2004 o después de esa fecha**).

Parole Supervision for Life (**only complete if the offense occurred on or after January 14, 2004**).

- (1) ¿Entiende usted que si se declara culpable de un delito de agresión sexual con agravantes, agresión sexual, abuso deshonesto con agravantes, rapto conforme a 2C:13-1c(2), poner en peligro el bienestar de un niño participando en conducta sexual que perjudique o pervierta la moral del niño conforme a 2C:24-4a, poner en peligro el bienestar de un niño conforme a 2C:24-4b(3), seducir, o el intento de cometer cualquiera de dichos delitos, y el delito ocurrió el 14 de enero del 2004 o después de esa fecha, el juez, además de cualquier otra sentencia, le impondrá una sentencia especial de supervisión bajo libertad condicional de por vida? [Sí/Yes] [No/No] [No aplica/NA]

Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of a child pursuant to 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(3), luring or an attempt to commit any of these offenses and the offense occurred on or after January 14, 2004, the court, in addition to any other sentence, will impose a special sentence of parole supervision for life?

- (2) ¿Entiende usted que la sentencia de supervisión bajo libertad condicional de por vida significa que al ser puesto en libertad después de su encarcelación o enseguida de la imposición de una sentencia suspendida, será supervisado por la División de Libertad Condicional por un mínimo de 15 años y estará sujeto a las disposiciones y condiciones de la libertad condicional, que incluirán las condiciones que sean apropiadas para proteger al público y promover la rehabilitación, y que dichas condiciones podrán incluir pero no se limitarán al asesoramiento, el acceso a Internet o su uso y otras restricciones entre las que podría haber restricciones en cuanto a dónde usted podrá vivir, trabajar, viajar o las personas con quienes podrá comunicarse? [Sí/Yes] [No/No] [No aplica/NA]

Do you understand that being sentenced to parole supervision for life means that upon release from incarceration or immediately upon imposition of a suspended sentence you will be supervised by the Division of Parole for at least 15 years and will be subject to provisions and conditions of parole, including conditions appropriate to protect the public and foster rehabilitation, such as, but not limited to, counseling, Internet access or use, and other restrictions which may include restrictions on where you can live, work, travel or persons you can contact?

4b.(3) ¿Entiende que las restricciones en cuanto a dónde podrá vivir pueden incluir restricciones en cuanto a residir en un hogar con menores? [Sí/Yes] [No/No] [No aplica/NA]

Do you understand that the restrictions on where you can live may include restrictions on residing in a home with minor children?

(4) ¿Entiende usted que si infringe una condición de la supervisión bajo libertad condicional de por vida, le podrán revocar la libertad condicional y lo podrán enviar a la cárcel por un período entre 12 y 18 meses por cada revocación que ocurra mientras lo están supervisando, y que el término de encarcelación que reciba no se podrá reducir por conmutación o créditos por trabajo? [Sí/Yes] [No/No] [No aplica/NA]

Do you understand that if you violate a condition of parole supervision for life, your parole may be revoked and you can be sent to prison for 12 to 18 months for each revocation that occurs while you are being supervised and that the prison term you receive cannot be reduced by commutation or work credits?

(5) ¿Entiende usted que si infringe una condición de la supervisión bajo libertad condicional de por vida y se le acusa formalmente y se le condena por dicha infracción, recibirá una sentencia de encarcelación que puede ser de un máximo de 18 meses, y que la sentencia que usted reciba puede ser agregada a cualquier término de encarcelación que pueda recibir de la Junta de Libertad Condicional por una infracción de la supervisión bajo libertad condicional de por vida? [Sí/Yes] [No/No] [No aplica/NA]

Do you understand that if you violate a condition of parole supervision for life and you are indicted and convicted for that violation, you will receive a sentence of imprisonment of up to 18 months and that the sentence you receive could be in addition to any prison term you may receive from the Parole Board for a violation of parole supervision for life?

5. Divulgación en el Internet

Internet Posting

¿Entiende usted que como resultado de su condena, pueden estar públicamente disponibles en el Internet su nombre y apellido, edad, raza, sexo, fecha de nacimiento, estatura, peso, color de los ojos, cualquier cicatriz o tatuaje particular que tenga, su fotografía, la marca, el modelo, el color, año y número de la placa de cualquier vehículo que opere, la dirección, código postal, municipio y condado en que reside y una descripción del delito del que se está declarando culpable? [Sí/Yes] [No/No]

Do you understand that as a result of your conviction your name, age, race, sex, date of birth, height, weight, eye color, any distinguishing scars or tattoos you have, your photograph, the make, model, color, year and license plate number of any vehicle you operate, the street address, zip code, municipality and county in which you reside and a description of the offense for which you are pleading guilty, may be publicly available on the Internet?

6. Multa del programa estatal de enfermeras examinadoras de víctimas de agresiones sexuales

Statewide Sexual Assault Nurse Examiner Program Penalty

¿Entiende usted que si el delito ocurrió el 4 de mayo de 2001 o después de esa fecha, como resultado de su declaración de culpabilidad, se requerirá que pague una multa de \$800 por cada delito del cual se está declarando culpable? [Sí/Yes] [No/No]

Do you understand that if the crime occurred on or after May 4, 2001 as a result of your guilty plea you will be required to pay a penalty of \$800 for each offense for which you are pleading guilty?

7. Confinamiento civil

Civil Commitment

¿Entiende usted que si lo condenan por un delito de violencia sexual, como por ejemplo agresión sexual con agravantes, agresión sexual, abuso deshonesto con agravantes, rapto conforme a 2C:13-1c(2)(b), abuso deshonesto, homicidio preterintencional si el delito subyacente es agresión sexual, un intento de cometer cualquiera de dichos delitos o cualquier delito respecto al cual el juez hace constar en el acta su decisión específica de que, dadas las circunstancias del caso, el delito se debe considerar un delito de violencia sexual, cuando usted cumpla su término de encarcelamiento, es posible que lo confinen mediante un proceso civil en otra instalación hasta de por vida si después de una audiencia el juez decide que un confinamiento civil involuntario es necesario para usted? [Sí/Yes] [No/No]

Do you understand that if you are convicted of a sexually violent offense, such as aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2)(b), criminal sexual contact, felony murder if the underlying crime is sexual assault, an attempt to commit any of these offenses, or any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the offense should be considered a sexually violent offense, you may upon completion of your term of incarceration, be civilly committed to another facility for up to life if the court finds, after a hearing, that you are in need of involuntary civil commitment?

8. Multas del fondo para el tratamiento de víctimas de delitos sexuales (S.C.V.T.F.)

Sex Crime Victim Treatment Fund Penalty (S.C.V.T.F.)

¿Entiende usted que si el delito ocurrió el 26 de abril del 2005 o después de esa fecha, a consecuencia de su declaración de culpabilidad usted tendrá que pagar una multa obligatoria para el Fondo para el Tratamiento de Víctimas de Delitos Sexuales (S.C.V.T.F.), tal como se indica a continuación, por cada delito del cual usted se declaró culpable? [Sí/Yes] [No/No]

Do you understand that if the crime occurred on or after April 26, 2005, as a result of your guilty plea you will be required to pay a mandatory Sex Crime Victim Treatment Fund (S.C.V.T.F.) penalty as listed below for each offense for which you pled guilty?

8. b. Las multas obligatorias son las siguientes:

The mandatory penalties are as follows:

- (1) Un máximo de \$2,000 por un delito de 1^{er} grado
Up to \$2,000 in the case of a 1st degree crime
- (2) Un máximo de \$1,000 por un delito de 2^o grado
Up to \$1,000 in the case of a 2nd degree crime
- (3) Un máximo de \$ 750 por un delito de 3^{er} grado
Up to \$ 750 in the case of a 3rd degree crime
- (4) Un máximo de \$ 500 por un delito de 4^o grado
Up to \$ 500 in the case of a 4th degree crime

Multa TOTAL de S.C.V.T.F. \$ _____
TOTAL S.C.V.T.F. Penalty:

Fecha: _____ Acusado: _____
Date: _____ Defendant:

Abogado defensor: _____
Defense Attorney:

Fiscal: _____
Prosecutor:

ATTACHMENT 6

**SUPPLEMENTAL PLEA FORM FOR DRUG
OFFENSES**

ENGLISH AND ENGLISH-SPANISH VERSIONS



New Jersey Judiciary
Supplemental Plea Form for Drug Offenses

The following additional questions need to be answered only if you are pleading guilty pursuant to an offense under *N.J.S.A. 2C:35-1 et seq.* or *N.J.S.A. 2C:36-1 et seq.*

1. Have you and the Prosecutor entered into any agreement to provide for a lesser sentence or period of parole ineligibility than would otherwise be required? (If yes, be sure to include in questions 12 and 13 above). [Yes] [No]

2. Do you understand that if you plead guilty:
 - a. You will be required to forfeit your driver's license for a period of time from 6 to 24 months, unless the court finds compelling circumstances warranting an exception? [Yes] [No]

 - b. You will be required to pay a forensic laboratory fee of \$50 for each offense for which you plead guilty? [Yes] [No]

 - c. You will be required to pay a mandatory drug enforcement and demand reduction (D.E.D.R.) penalty as listed below for each offense for which you plead guilty? [Yes] [No]

The mandatory penalties are as follows:

- (1) \$3,000 in the case of a 1st degree crime
- (2) \$2,000 in the case of a 2nd degree crime
- (3) \$1,000 in the case of a 3rd degree crime
- (4) \$ 750 in the case of a 4th degree crime
- (5) \$ 500 in the case of a disorderly persons or petty disorderly persons offense

TOTAL D.E.D.R. Penalty \$ _____

Date: _____ Defendant: _____

Defense Attorney: _____

Prosecutor: _____



Poder Judicial de Nueva Jersey
New Jersey Judiciary

Formulario de declaración suplemental para delitos relacionados con drogas
Supplemental Plea Form for Drug Offenses

Es necesario contestar las siguientes preguntas adicionales solamente si usted se declara culpable de un delito conforme a *N.J.S.A. 2C:35-1 et seq.* o *N.J.S.A. 2C:36-1 et seq.*

The following additional questions need to be answered only if you are pleading guilty pursuant to an offense under *N.J.S.A. 2C:35-1 et seq.* or *N.J.S.A. 2C:36-1 et seq.*

1. ¿Se han comprometido por algún acuerdo usted y el fiscal a que se estipule una sentencia o un período en que no podrá recibir libertad condicional menores a los que de otro modo se requerirían? (En caso afirmativo, asegúrese de incluirlo en las preguntas 12 y 13 que anteceden). [Sí/Yes] [No/No]

Have you and the Prosecutor entered into any agreement to provide for a lesser sentence or period of parole ineligibility than would otherwise be required? (If yes, be sure to include in questions 12 and 13 above).

2. ¿Entiende que si se declara culpable:

Do you understand that if you plead guilty:

- a. se requerirá que usted pierda su licencia de conducir por un período de 6 a 24 meses, a menos que el juez determine que existen circunstancias apremiantes que justifiquen una excepción? [Sí/Yes] [No/No]

You will be required to forfeit your driver's license for a period of time from 6 to 24 months, unless the court finds compelling circumstances warranting an exception?

- b. se requerirá que usted pague un cargo de \$50 del laboratorio forense por cada delito de que se declara culpable? [Sí/Yes] [No/No]

You will be required to pay a forensic laboratory fee of \$50 for each offense for which you plead guilty?

- c. se requerirá que pague una multa antinarcótica y de reducción de la demanda (D.E.D.R.) obligatoria por cada delito de que se declara culpable? [Sí/Yes] [No/No]

You will be required to pay a mandatory drug enforcement and demand reduction (D.E.D.R.) penalty as listed below for each offense for which you plead guilty?

Las multas obligatorias son las siguientes:

The mandatory penalties are as follows:

- (1) \$3,000 en el caso de un delito de primer grado
in the case of a 1st degree crime
- (2) \$2,000 en el caso de un delito de segundo grado
in the case of a 2nd degree crime
- (3) \$1,000 en el caso de un delito de tercer grado
in the case of a 3rd degree crime
- (4) \$ 750 en el caso de un delito de cuarto grado
in the case of a 4th degree crime
- (5) \$ 500 en el caso de un delito de alteración del orden público o un delito menor de alteración del orden público
in the case of a disorderly persons or petty disorderly persons offense

MULTA TOTAL de D.E.D.R. _____
TOTAL D.E.D.R. Penalty

Fecha _____ Acusado: _____
Date Defendant

Abogado Defensor: _____
Defense Attorney

Fiscal: _____
Prosecutor

ATTACHMENT 7

**SUPPLEMENTAL PLEA FORM FOR THEFT OF A
MOTOR VEHICLE AND UNLAWFUL TAKING OF A
MOTOR VEHICLE**

ENGLISH AND ENGLISH-SPANISH VERSIONS



New Jersey Judiciary
**Supplemental Plea Form for Theft of a Motor Vehicle or
Unlawful Taking of a Motor Vehicle (N.J.S.A. 2C:20-2.1)**

The following questions need to be answered only if you are pleading guilty for violation of *N.J.S.A. 2C:20-2* for theft of an automobile and the offense occurred on or after April 2, 1991, or for a violation of *N.J.S.A. 2C:20-10* for unlawful taking of a motor vehicle ("Joyriding") and the offense occurred on or after August 2, 1993.

1. Do you understand that if you plead guilty you will be required to forfeit your driver's license? [Yes] [No]

1st Offense - 1 year license suspension

2nd Offense - 2 year license suspension

3rd or Subsequent Offense - 10 year license suspension

2. Do you understand that if you plead guilty you will be required to pay a mandatory penalty? [Yes] [No]

The mandatory penalties are as follows:

1st Offense \$ 500

2nd Offense \$ 750

3rd or Subsequent offense \$1,000

Total Penalty \$ _____

3. Do you understand that if you plead guilty to more than one theft of an automobile or unlawful taking of a motor vehicle that the license forfeitures and mandatory penalties imposed can be consecutive to each other? [Yes] [No]

Date _____ Defendant _____

Defense Attorney _____

Prosecutor _____



Poder Judicial de Nueva Jersey
New Jersey Judiciary

Suplemento al formulario de declaración de culpabilidad por robo de un vehículo motorizado o la retención ilegal de un vehículo motorizado (N.J.S.A. 2C:20-2.1)

Supplemental Plea Form for Theft of a Motor Vehicle or
Unlawful Taking of a Motor Vehicle (N.J.S.A. 2C:20-2.1)

Hay que contestar a las siguientes preguntas solamente si usted se declara culpable de infringir *N.J.S.A. 2C:20-2* por el robo de un automóvil y la infracción ocurrió a partir del 2 de abril de 1991, o por infringir *N.J.S.A. 2C:20-10* por la retención ilegal de un vehículo de motor (el manejo imprudente de un auto ajeno sin el permiso del dueño - "joyriding") y la infracción ocurrió a partir del 2 de agosto de 1993.

The following questions need to be answered only if you are pleading guilty for violation of *N.J.S.A. 2C:20-2* for theft of an automobile and the offense occurred on or after April 2, 1991, or for a violation of *N.J.S.A. 2C:20-10* for unlawful taking of a motor vehicle ("Joyriding") and the offense occurred on or after August 2, 1993.

1. ¿Entiende que si se declara culpable tendrá que devolver su licencia de conducir de [Sí/Yes] [No/No]

Do you understand that if you plead guilty you will be required to forfeit your driver's license?

1ra infracción - suspensión de la licencia por 1 año

1st Offense - 1 year license suspension

2da infracción - suspensión de la licencia por 2 años

2nd Offense - 2 year license suspension

3ra infracción o subsiguiente - suspensión de la licencia por 10 años

3rd or Subsequent Offense - 10 year license suspension

2. ¿Entiende que si se declara culpable tendrá que pagar una multa obligatoria? [Sí/Yes] [No/No]

Do you understand that if you plead guilty you will be required to pay a mandatory penalty?

Las multas obligatorias son las siguientes:

The mandatory penalties are as follows:

1ra infracción \$ 500

1st Offense

2da infracción \$ 750

2nd Offense

3ra infracción o subsiguiente \$1,000

3rd or Subsequent offense

Multa total \$

Total Penalty

3. ¿Entiende que si se declara culpable del robo de más de un automóvil o de más de una retención ilegal de un vehículo de motor, las pérdidas de licencia y las multas obligatorias que se impongan podrán ser consecutivas las unas a las otras? [Sí/Yes] [No/No]

Do you understand that if you plead guilty to more than one theft of an automobile or unlawful taking of a motor vehicle that the license forfeitures and mandatory penalties imposed can be consecutive to each other?

Fecha _____ Acusado _____
Date _____ Defendant _____

Abogado Defensor _____
Defense Attorney _____

Fiscal _____
Prosecutor _____

ATTACHMENT 8

**ADDITIONAL QUESTIONS FOR CERTAIN DRUG
AND WEAPONS OFFENSES COMMITTED ON OR
AFTER JUNE 24, 1998**

ENGLISH AND ENGLISH-SPANISH VERSIONS



New Jersey Judiciary
**Additional Questions for Certain Drug and Weapons Offenses
Committed on or After June 24, 1998**

The following questions need to be answered if you are pleading guilty to certain drug offenses and also are pleading guilty to possession of a firearm or other weapon while committing, attempting to commit or conspiring to commit any of the following offenses. If a firearm was possessed, answer questions 1a, b and c. If a firearm was not possessed, mark question 1a not applicable [NA] and answer questions 1b and c.

1. Do you understand that if you plead guilty to any of the following offenses: leader of a narcotics trafficking network (2C:35-3); operating a controlled dangerous substance production facility (2C:35-4); manufacturing a controlled dangerous substance (2C:35-5) distribution, possession or manufacture of gamma hydroxybutyrate (2C:35-5.2); distribution, possession or manufacture of flunitrazepam (2C:35-5.3); employing a juvenile in drug distribution (2C:35-6); distributing, dispensing or possessing with intent to distribute a controlled dangerous substance within 1,000 feet of school property (2C:35-7); distributing, dispensing or possessing a controlled dangerous substance within 500 feet of a public housing facility, park or building (2C:35-7.1); or, distribution, possession or manufacture of an imitation controlled dangerous substance (2C:35-11)

AND

- a. you also plead guilty to possessing a firearm while committing, attempting to commit or conspiring to commit any of these offenses you will receive a consecutive sentence for possessing the weapon? [Yes] [No] [NA]

OR

- b. you also plead guilty to possessing a weapon, other than a firearm, for an unlawful purpose while committing, attempting to commit or conspiring to commit any of these offenses you will receive a consecutive sentence for possessing the weapon for an unlawful purpose? [Yes] [No] [NA]

OR

- c. you also plead guilty to possessing a weapon, other than a firearm, under circumstances not manifestly appropriate for lawful use of the weapon while committing, attempting to commit or conspiring to commit any of these offenses you will receive a consecutive sentence for possessing the weapon? [Yes] [No] [NA]

Date _____ Defendant _____

Defense Attorney _____

Prosecutor _____



Poder Judicial de Nueva Jersey
New Jersey Judiciary

**Preguntas Adicionales Para Ciertos Actos Criminales Relacionados Con Drogas Y
Armas Que Se Cometieron El 24 De Junio De 1998 O Después De Esa Fecha**
Additional Questions for Certain Drug and Weapons Offenses
Committed on or After June 24, 1998

Es necesario contestar a las siguientes preguntas si Ud. se declara culpable de ciertos actos criminales relacionados con drogas y también se declara culpable de la posesión de un arma de fuego u otra arma mientras cometió, trató de cometer o conspiró para cometer cualquiera de los siguientes actos criminales. Si poseía un arma de fuego, conteste a las preguntas 1 a, b y c. Si no poseía un arma de fuego, indique que la pregunta 1a no le incumbe [NA] y conteste a las preguntas 1b y c.

The following questions need to be answered if you are pleading guilty to certain drug offenses and also are pleading guilty to possession of a firearm or other weapon while committing, attempting to commit or conspiring to commit any of the following offenses. If a firearm was possessed, answer questions 1 a, b and c. If a firearm was not possessed, mark question 1a not applicable [NA] and answer questions 1b and c.

1. Entiende que si Ud. se declara culpable de cualquiera de los siguientes actos criminales: líder de una red de tráfico de narcóticos (2C:35-3); operación de una instalación de producción de una sustancia peligrosa regulada (2C:35-4); fabricación de una sustancia peligrosa regulada (2C:35-5); distribución, posesión o fabricación de gamma hidroxibutirato (2C:35-5.2); distribución, posesión o fabricación de flunitrazepam (2C:35-5.3); utilización de un menor en la distribución de drogas (2C:35-6); distribución, preparación o posesión de una sustancia peligrosa regulada con la intención de distribuirla dentro de 1.000 pies de distancia de la propiedad de una escuela o colegio (2C:35-7); distribución, preparación o posesión de una sustancia peligrosa controlada dentro de 500 pies de distancia de una instalación de viviendas subvencionadas, un parque o edificio público (2C:35-7.1); o distribución, posesión o fabricación de una imitación de una sustancia peligrosa regulada (2C:35-11)

Y

Do you understand that if you plead guilty to any of the following offenses: leader of a narcotics trafficking network (2C:35-3); operating a controlled dangerous substance production facility (2C:35-4); manufacturing a controlled dangerous substance (2C:35-5) distribution, possession or manufacture of gamma hydroxybututyrate (2C:35-5.2); distribution, possession or manufacture of flunitrazepam (2C:35-5.3); employing a juvenile in drug distribution (2C:35-6); distributing, dispensing or possessing with intent to distribute a controlled dangerous substance within 1,000 feet of school property (2C:35-7); distributing, dispensing or possessing a controlled dangerous substance within 500 feet of a public housing facility, park or building (2C:35-7.1); or, distribution, possession or manufacture of an imitation controlled dangerous substance (2C:35-11)

AND

- a. también se declara culpable de poseer un arma de fuego cuando cometió, trató de cometer o conspiró para cometer cualquiera de esos actos criminales, Ud. recibirá una sentencia consecutiva por poseer el arma?
[Sí/Yes] [No/No] [No aplica/NA]
you also plead guilty to possessing a firearm while committing, attempting to commit or conspiring to commit any of these offenses you will receive a consecutive sentence for possessing the weapon?

O/OR

1. b. también se declara culpable de poseer un arma que no sea de fuego para un propósito ilegal cuando cometió, trató de cometer o conspiró para cometer cualquiera de esos actos criminales, recibirá una sentencia consecutiva por poseer el arma para un propósito ilegal? [Sí/Yes] [No/No] [No aplica/NA]

you also plead guilty to possessing a weapon, other than a firearm, for an unlawful purpose while committing, attempting to commit or conspiring to commit any of these offenses you will receive a consecutive sentence for possessing the weapon for an unlawful purpose?

O/OR

- c. también se declara culpable de poseer un arma que no sea de fuego bajo circunstancias no claramente apropiadas para el uso legal del arma cuando cometió, trató de cometer o conspiró para cometer cualquiera de esos actos criminales, recibirá una sentencia consecutiva por poseer el arma? [Sí/Yes] [No/No] [No aplica/NA]

you also plead guilty to possessing a weapon, other than a firearm, under circumstances not manifestly appropriate for lawful use of the weapon while committing, attempting to commit or conspiring to commit any of these offenses you will receive a consecutive sentence for possessing the weapon?

Fecha _____ Acusado _____
Date _____ Defendant _____

Abogado Defensor _____
Defense Attorney _____

Fiscal _____
Prosecutor _____

ATTACHMENT 9

**SUPPLEMENTAL PLEA FORM FOR NO EARLY
RELEASE ACT CASES (for crimes occurring
between June 9, 1997 and June 29, 2001)**

ENGLISH AND ENGLISH-SPANISH VERSIONS



New Jersey Judiciary
Supplemental Plea Form for *No Early Release Act (NERA)* Cases (N.J.S.A. 2C:43-7.2)

The following questions need to be answered only if you are pleading guilty to a first or second degree violent crime that occurred **between June 9, 1997 and June 29, 2001**.

A violent crime means any crime in which you caused death, serious bodily injury, or you used or threatened the immediate use of a deadly weapon. A violent crime also includes any aggravated sexual assault, or sexual assault in which you used, or threatened the immediate use of, physical force. Deadly weapon means any firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner in which it is used or intended to be used, is known to be capable of producing death or serious bodily injury. Serious bodily injury means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

1. Do you understand that because of your plea of guilty to _____ [Yes] [No]

(List First or Second Degree Violent Crimes)

you will be required to serve 85% of the sentence imposed for that offense(s) before you will be eligible for parole on that offense(s)?

2. Do you understand that because you have pled guilty to these charges the court must impose a _____ year term of parole supervision and that term will begin as soon as you complete the sentence of incarceration? [Yes] [No]

First Degree Term of Parole Supervision - 5 years

Second Degree Term of Parole Supervision - 3 years

3. Do you understand that if you violate the conditions of your parole supervision that your parole may be revoked and you may be subject to return to prison to serve all or any portion of the remaining period of parole supervision, even if you have completed serving the term of imprisonment previously imposed? [Yes] [No]

4. Do you understand that by pleading guilty and admitting that the crime(s) are a violent crime you are waiving your right to have a jury determine, beyond a reasonable doubt, that the circumstance(s) that make the crime(s) a violent crime(s) are present? [Yes] [No]

Date: _____ Defendant: _____

Defense Attorney: _____

Prosecutor: _____



Poder Judicial de Nueva Jersey

New Jersey Judiciary

**Formulario Suplemental de Declaración en Causas Sujetas a la
Ley Contra Puestas en Libertad Prematuras (NERA) (N.J.S.A. 2C:43-72)
Supplemental Plea Form for No Early Release Act (NERA) Cases (N.J.S.A. 2C:43-7.2)**

Es necesario contestar a las siguientes preguntas solamente si usted se está declarando culpable de un delito violento de primer o segundo grado ocurrido **entre el 9 de junio de 1997 y el 29 de junio de 2001**.

The following questions need to be answered only if you are pleading guilty to a first or second degree violent crime that occurred **between June 9, 1997 and June 29, 2001**.

Un delito violento significa cualquier delito en que usted causó la muerte, lesiones corporales graves o si usó o amenazó usar inmediatamente un arma mortífera. Un delito violento también incluye cualquier agresión sexual con agravantes o una agresión sexual en la que usó física o amenazó usarla inmediatamente. Un arma mortífera significan cualquier arma de fuego u otra arma, aparato, instrumento, material o sustancia, sea animada o inanimada, capaz de producir la muerte o lesiones corporales graves por la manera en que se usa o en que se tiene la intención de usarla. Lesiones corporales graves significan lesiones corporales que crean un verdadero riesgo de muerte o que causan una desfiguración grave y permanente o el deterioro o la pérdida prolongada de la función de cualquier miembro u órgano del cuerpo.

A violent crime means any crime in which you caused death, serious bodily injury, or you used or threatened the immediate use of a deadly weapon. A violent crime also includes any aggravated sexual assault, or sexual assault in which you used, or threatened the immediate use of, physical force. Deadly weapon means any firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner in which it is used or intended to be used, is known to be capable of producing death or serious bodily injury. Serious bodily injury means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

1. ¿Entiende que por su declaración de culpabilidad [Sí/Yes] [No/No]
Do you understand that because of your plea of guilty to

(Indique los delitos violentos de primer o segundo grado)
(List First or Second Degree Violent Crimes)

se requerirá que cumpla el 85% de la sentencia impuesta por ese delito o esos delitos antes que en condiciones de recibir libertad condicional por ese delito o esos delitos?

you will be required to serve 85% of the sentence imposed for that offense(s)
before you will be eligible for parole on that offense(s)?

2. ¿Entiende que porque se declaró culpable de estos cargos, el juez tiene [Sí/Yes] [No/No]
que imponer un período de supervisión de la libertad condicional de _____
años, y que dicho período comenzará en cuanto usted cumpla la sentencia
de encarcelamiento?

Do you understand that because you have pled guilty to these charges the court
must impose a _____ year term of parole supervision and that term will begin as
soon as you complete the sentence of incarceration?

Período de Supervisión de la Libertad Condicional por un Delito de
Primer Grado - 5 años

First Degree Term of Parole Supervision - 5 years

Período de Supervisión de la Libertad Condicional por un Delito de
Segundo Grado - 3 años

Second Degree Term of Parole Supervision - 3 years

3. ¿Entiende que si infringe las condiciones de la supervisión de su libertad condicional, se podrá revocar su libertad condicional y es posible que tenga que volver a la cárcel para cumplir todo el período de supervisión de su libertad condicional o cualquier porción del mismo, aún cuando usted haya cumplido el período de encarcelamiento que le hubieran impuesto anteriormente? [Sí/Yes] [No/No]

Do you understand that if you violate the conditions of your parole supervision that your parole may be revoked and you may be subject to return to prison to serve all or any portion of the remaining period of parole supervision, even if you have completed serving the term of imprisonment previously imposed?

4. ¿Entiende que al declararse culpable y admitir que el delito o delitos son violentos, usted renuncia a su derecho de que un jurado determine, más allá de una duda razonable, que estén presentes las circunstancias que hacen que el delito o delitos sean violentos? [Sí/Yes] [No/No]

Do you understand that by pleading guilty and admitting that the crime(s) are a violent crime you are waiving your right to have a jury determine, beyond a reasonable doubt, that the circumstance(s) that make the crime(s) a violent crime(s) are present?

Fecha: _____ Acusado: _____
Date: _____ Defendant: _____

Abogado Defensor: _____
Defense Attorney: _____

Fiscal: _____
Prosecutor: _____

ATTACHMENT 10

**SUPPLEMENTAL PLEA FORM FOR NO EARLY
RELEASE ACT CASES (for crimes occurring on or
after June 29, 2001)**

ENGLISH AND ENGLISH-SPANISH VERSIONS



New Jersey Judiciary
Supplemental Plea Form for *No Early Release Act* (NERA) Cases (N.J.S.A. 2C:43-7.2)

The following questions need to be answered only if you are pleading guilty to one of the following first or second crimes that occurred **on or after June 29, 2001**:

murder, aggravated manslaughter or manslaughter, vehicular homicide, aggravated assault, disarming a law enforcement officer, kidnapping, aggravated sexual assault, sexual assault, robbery, carjacking, aggravated arson by placing another person in danger of death or serious bodily injury, burglary, theft by extortion by obtaining property of another by threatening to inflict bodily injury on, or physically confine or restrain anyone or commit another offense, booby traps in manufacturing or distributing of CDS facilities or strict liability for drug induced deaths.

1. Do you understand that because of your plea of guilty to [Yes] [No]

(List First or Second Degree Violent Crime(s) to Which NERA Applies)

you will be required to serve 85% of the sentence imposed for that offense(s) before you will be eligible for parole on that offense(s)?

2. Do you understand that because you have pled guilty to these charges the court must impose a _____ year term of parole supervision and that term will begin as soon as you complete the sentence of incarceration? [Yes] [No]

First Degree Term of Parole Supervision - 5 years

Second Degree Term of Parole Supervision - 3 years

3. Do you understand that if you violate the conditions of your parole supervision that your parole may be revoked and you may be subject to return to prison to serve all or any portion of the remaining period of parole supervision, even if you have completed serving the term of imprisonment previously imposed? [Yes] [No]

Date: _____ Defendant: _____

Defense Attorney: _____

Prosecutor: _____



Poder Judicial de Nueva Jersey

New Jersey Judiciary

**Formulario Suplemental de Declaración en Causas Sujetas a la
Ley Contra Puestas en Libertad Prematuras (NERA) (N.J.S.A. 2C:43-72)
Supplemental Plea Form for No Early Release Act (NERA) Cases (N.J.S.A. 2C:43-7.2)**

Es necesario contestar a las siguientes preguntas solamente si usted se está declarando culpable de uno de los siguientes delitos violentos de primer o segundo grado ocurrido **el 29 de junio del 2001 o después de esa fecha:**

The following questions need to be answered only if you are pleading guilty to one of the following first or second crimes that occurred **on or after June 29, 2001:**

asesinato, homicidio no premeditado con agravantes u homicidio no premeditado, homicidio cometido con un vehículo, agresión con agravantes, desannar a un agente del orden publico, rapto, agresión sexual con agravantes, agresión sexual, robo con violencia, roho de un automóvil con personas adentro, incendio intencional con agravantes que expone a otra persona al peligro de muerte o lesiones corporales graves, robo con escalamiento, roho con extorsión at obtener bienes de otra persona con extorsióal obtener bienes de otra persona amenazándole con infligirle lesiones corporales, o aprisionar o sujetar a una persona o cometer otro delito, trampas explosivas en instalanciones de fabricación o distribución de CDS o responsabilidad objetiva por muertes causadas por drogas.

murder, aggravated manslaughter or manslaughter, vehicular homicide, aggravated assault, disarming a law enforcement officer, kidnapping, aggravated sexual assault, sexual assault, robbery, carjacking, aggravated arson by placing another person in danger of death or serious bodily injury, burglary, theft by extortion by obtaining property of another by threatening to inflict bodily injury on, or physically confine or restrain anyone or commit another offense, booby traps in manufacturing or distributing of CDS facilities or strict liability for drug induced deaths.

1. ¿Entiende que por su declaración de culpabilidad [Sí/Yes] [No/No]
Do you understand that because of your plea of guilty to

**Indique los Delitos Violentos de Primer o Segundo Grado Incluidos bajo NERA
(List First or Second Degree Violent Crime(s) to Which NERA Applies)**

se requerirá que cumpla el 85% de la sentencia impuesta por ese delito o esos delitos antes que esté en condiciones de recibir libertad condicional por ese delito o esos delitos?

you will be required to serve 85% of the sentence imposed for that offense(s)
before you will be eligible for parole on that offense(s)?

2. ¿Entiende que porque se declaró culpable de estos cargos, el juez tiene [Sí/Yes] [No/No]
que imponer un período de supervisión de la libertad condicional de ____
años, y que dicho período comenzará en cuanto usted cumpla la sentencia
de encarcelamiento?

Do you understand that because you have pled guilty to these charges the court
must impose a ____ year term of parole supervision and that term will begin as
soon as you complete the sentence of incarceration?

Período de Supervisión de la Libertad Condicional por un Delito de
Primer Grado - 5 años

First Degree Term of Parole Supervision - 5 years

Período de Supervisión de la Libertad Condicional por un Delito de
se Segundo Grado -3 años

Second Degree Term of Parole Supervision - 3 years

3. ¿Entiende que si infringe las condiciones de la supervisión de su libertad condicional, se podrá revocar su libertad condicional y es posible que tenga que volver a la cárcel para cumplir todo el período de supervisión de su libertad condicional o cualquier porción del mismo, aún cuando usted haya cumplido el período de encarcelamiento que le hubieran impuesto anteriormente? [Sí/Yes] [No/No]

Do you understand that if you violate the conditions of your parole supervision that your parole may be revoked and you may be subject to return to prison to serve all or any portion of the remaining period of parole supervision, even if you have completed serving the term of imprisonment previously imposed?

Fecha: _____ Acusado: _____
Date: _____ Defendant: _____

Abogado Defensor: _____
Defense Attorney: _____

Fiscal: _____
Prosecutor: _____

ATTACHMENT 11

**SUPPLEMENTAL PLEA FORM FOR GRAVES ACT
CASES**

ENGLISH AND ENGLISH-SPANISH VERSIONS



New Jersey Judiciary
Supplemental Plea Form for Graves Act Offenses (N.J.S.A. 2C: 43-6c)

You are pleading to a Graves Act offense. This means:

- A. You are pleading guilty to possession of a firearm with intent to use it against the person of another or to murder, aggravated manslaughter, manslaughter, aggravated assault, kidnapping, aggravated sexual assault, aggravated criminal sexual contact, robbery, burglary or escape;

AND

- B. You are also admitting, by virtue of this plea, that while in the course of committing or attempting to commit one of the crimes, including the immediate flight therefrom, you used or were in possession of a firearm.

1. Do you understand that because of your plea of guilty to [Yes] [No]

you will be subject to a minimum period of time before you will be eligible for parole (a parole ineligibility term) under the Graves Act (as set forth in question 7 on the three-page plea form)?

2. Do you understand that by pleading guilty and admitting that you used or were in possession of a firearm while in the course of committing or attempting to commit one of the crimes, you are waiving your right to have a jury determine, beyond a reasonable doubt, that you used or possessed a firearm during the course of committing or attempting to commit one of the crimes? [Yes] [No]

3. Does any other mandatory sentencing provision apply to the Graves Act count that provides for a greater period of parole ineligibility (e.g., NERA, Three Strikes, Murder)? [Yes] [No] [NA]

If so, which one?

Date _____ Defendant _____

Defense Attorney _____

Prosecutor _____



Poder Judicial de Nueva Jersey
New Jersey Judiciary

Formulario de suplemental de declaración para delitos
bajo la ley graves (N.J.S.A. 2C: 43-6c)
Supplemental Plea Form for Graves Act Offenses (N.J.S.A. 2C: 43-6c)

Usted se está declarando culpable de un delito bajo la Ley Graves. Eso significa que:

You are pleading to a Graves Act offense. This means:

- A. Se declara culpable de la posesión de un arma de fuego con la intención de usarla contra otra persona o de homicidio, homicidio impremeditado con agravantes, homicidio impremeditado, agresión con agravantes, rapto, agresión sexual con agravantes, contacto sexual criminal con agravantes, robo, robo con allanamiento de morada o fuga;

You are pleading guilty to possession of a firearm with intent to use it against the person of another or to murder, aggravated manslaughter, manslaughter, aggravated assault, kidnapping, aggravated sexual assault, aggravated criminal sexual contact, robbery, burglary or escape;

Y/AND

- B. También admite, en virtud de esta declaración, que cuando cometió o trató de cometer uno de los delitos, incluyendo su fuga inmediata, usted usó un arma de fuego o tenía una en su posesión.

You are also admitting, by virtue of this plea, that while in the course of committing or attempting to commit one of the crimes, including the immediate flight therefrom, you used or were in possession of a firearm.

1. ¿Entiende que por su declaración de culpabilidad de [Sí/Yes] [No/No]
Do you understand that because of your plea of guilty to

estará sujeto a un período mínimo antes de estar en condiciones de salir en libertad condicional (un período en que no está en condiciones de salir en libertad condicional) bajo la Ley Graves (según se expone en la pregunta 7 del formulario de declaración de tres páginas)?

you will be subject to a minimum period of time before you will be eligible for parole (a parole ineligibility term) under the Graves Act (as set forth in question 7 on the three-page plea form)?

2. ¿Entiende que al declararse culpable y admitir que usó un arma de fuego o tenía una en su posesión cuando cometió o trató de cometer uno de los delitos, usted renuncia al derecho de que un jurado determine, más allá de una duda razonable, que usó o poseía un arma de cuando cometió o trató de cometer uno de los delitos? [Sí/Yes] [No/No]

Do you understand that by pleading guilty and admitting that you used or were in possession of a firearm while in the course of committing or attempting to commit one of the crimes, you are waiving your right to have a jury determine, beyond a reasonable doubt, that you used or possessed a firearm during the course of committing or attempting to commit one of the crimes?

3. ¿Corresponde al cargo de la Ley Graves alguna otra [Sí/Yes] [No/No] [No Me Incumbe/NA]
disposición obligatoria de sentencia que estipule un
período más largo en que no se pueda salir en libertad
condicional (e.g., NERA, Tercera vez, Homicidio)?

Does any other mandatory sentencing provision apply to the
Graves Act count that provides for a greater period of parole
ineligibility (e.g., NERA, Three Strikes, Murder)?

Si corresponde alguna, ¿cuál es?

If so, which one?

Fecha _____ Acusado: _____
Date Defendant

Abogado Defensor: _____
Defense Attorney

Fiscal: _____
Prosecutor

ATTACHMENT 12

FOUR - PAGE JUDGMENT OF CONVICTION



New Jersey Judiciary
Certification Application for Appointment as Private Prosecutor

State of New Jersey vs. _____

Docket Number(s): _____

Charge(s) _____

Attorney Information:

Name: _____

Address: _____

Telephone Number: _____

This Certification is supplied to the _____ Superior Court, pursuant to the provisions of *R. 3:23-9(d)* and *State v. Storm*, 141 N.J. 245 (1995) to provide the court and the prosecutor with all facts that may foreseeably affect the fairness of the proceedings to enable the court to determine whether I may be appointed as an impartial private prosecutor for _____, the complaining witness in the above matter.

1. (Please circle the applicable letter). The complaining witness is:

- (a) an individual, (b) a business, or (c) an entity with its own police department
(please describe): (please describe):

2. There is no actual conflict of interest arising from my representation of, and fee arrangement with, the complaining witness. ☐

Check if correct.

If not, please explain:

3. The prosecutor has elected not to conduct the prosecution. ☐

Check if correct.

If not, please explain:

4. The defendant is or is expected to be represented by [YES] [NO] [UNKNOWN]
counsel.

Notice has been given to defendant's attorney [YES] [NO]

5. There is no civil litigation, existing or anticipated, between the complaining witness and the defendant concerning the same or similar facts as are contained in the complaint. In the event of such civil litigation, I have informed the complaining witness that neither I nor any member of my firm will undertake the complaining witness' representation in that matter. ☐
- Check if correct.
- If not, please explain:
-
-

6. There are no other facts that could reasonably affect the impartiality of the private prosecutor and the fairness of the proceedings or otherwise create an appearance of impropriety. ☐
- Check if correct.
- If not, please explain:
-
-

Comments:

Please attach additional sheets if necessary.

CERTIFICATION IN LIEU OF OATH

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: _____ Name of Applicant: _____



Poder Judicial de Nueva Jersey
New Jersey Judiciary

Certificación y solicitud de designación como fiscal privado
Certification Application for Appointment as Private Prosecutor

Estado de Nueva Jersey contra _____
State of New Jersey vs.

Número(s) de Expediente(s) _____
Docket Number(s):

Cargo(s) _____
Charge(s)

Información sobre el Abogado:

Attorney Information:

Nombre y apellido: _____
Name:

Dirección: _____
Address:

Número de Teléfono: _____
Telephone Number:

La presente Certificación se presenta al Tribunal Superior de _____ conforme a lo que disponen R. 3:23-9(d) y *State v. Storm*, 141 N.J. 245 (1995) para informar al juez y al fiscal de todos los hechos que se prevea puedan afectar la equidad de los procedimientos y permitir que el juez determine si me puede designar fiscal privado imparcial para _____, el testigo denunciante en el asunto citado más arriba.

This Certification is supplied to the _____ Superior Court, pursuant to the provisions of R. 3:23-9(d) and *State v. Storm*, 141 N.J. 245 (1995) to provide the court and the prosecutor with all facts that may foreseeably affect the fairness of the proceedings to enable the court to determine whether I may be appointed as an impartial private prosecutor for _____, the complaining witness in the above matter.

1. (Sírvase marcar con un círculo la letra que aplica). El testigo denunciante es:
(Please circle the applicable letter). The complaining witness is:

- | | | | |
|-------------------------------------|--|----|---|
| (a) un individuo,
an individual, | (b) un negocio
(sírvase describirlo):
a business,
(please describe) | or | (c) una entidad con su propia jefatura de
policía (sírvase describirla):
an entity with its own police department
(please describe): |
|-------------------------------------|--|----|---|

2. No existe ningún conflicto de intereses proveniente de mi representación del testigo denunciante ni del acuerdo de honorarios con él. ☐

Marque la casilla si es cierto.

There is no actual conflict of interest arising from my representation of, and fee arrangement with, the complaining witness.

Check if correct.

De lo contrario, sírvase dar una explicación:

If not, please explain:

3. El fiscal ha optado por no dirigir el enjuiciamiento. ☐

Marque la casilla si es cierto.

The prosecutor has elected not to conduct the prosecution.

Check if correct.

De lo contrario, sírvase dar una explicación:

If not, please explain:

4. Al acusado lo representa, o se espera que lo represente, un abogado. ☐ [Sí/Yes] [No/No] [No se sabe/Unknown]

The defendant is or is expected to be represented by counsel.

Se ha notificado al abogado del acusado ☐ [Sí/Yes] [No/No]
Notice has been given to defendant's attorney

5. No existe ni se prevé ningún litigio civil entre el testigo denunciante y el acusado con respecto a los hechos de la denuncia o hechos similares. Si llegara a ocurrir tal litigio civil, he informado al testigo denunciante que ni yo ni ningún miembro de mi bufete lo representaremos en ese asunto. ☐

Marque la casilla si es cierto.

There is no civil litigation, existing or anticipated, between the complaining witness and the defendant concerning the same or similar facts as are contained in the complaint. In the event of such civil litigation, I have informed the complaining witness that neither I nor any member of my firm will undertake the complaining witness' representation in that matter.

Check if correct.

De lo contrario, sírvase dar una explicación:

If not, please explain:

6. No existen otros hechos que razonablemente podrían afectar la imparcialidad del fiscal privado y la equidad de los procedimientos o de otra forma crear la apariencia de incorrección.

☐

Marque la casilla si es cierto.

There are no other facts that could reasonably affect the impartiality of the private prosecutor and the fairness of the proceedings or otherwise create an appearance of impropriety. Check if correct.

De lo contrario, sírvase dar una explicación.

If not, please explain:

Comentarios

Comments:

Sírvase anexar hojas adicionales si son necesarias.

Please attach additional sheets if necessary.

CERTIFICACIÓN EN LUGAR DEL JURAMENTO

CERTIFICATION IN LIEU OF OATH

Por la presente certifico que son ciertas las declaraciones anteriores hechas por mí. Estoy consciente de que estaré sujeto a un castigo si alguna de ellas es intencionalmente falsa.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Fecha: _____
Date:

Nombre y apellido del solicitante: _____
Name of Applicant: